

In The
Court of Appeals
Of Virginia

BRIAN DAVID HILL,

Petitioner,

v.

**COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,**

Respondent.

**IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A
WRIT OF ACTUAL INNOCENCE BASED ON
NONBIOLOGICAL EVIDENCE
AT COURT OF APPEALS OF VIRGINIA**

**JOINT APPENDIX
VOLUME VI OF VI
(Pages 1 – 354)**



**Brian David Hill – Ally of Q
Founder of USWGO Alternative News
310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505**



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MARTINSVILLE CIRCUIT
Commonwealth of VA

Case No.:CR19000009-00
vs. HILL, BRIAN DAVID

MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE
WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW
EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA...AND ALL PLEADINGS IN SUPPORT OF
MOTION (Records manuscripts for Joint Appendix 6)

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Subject: RE: Martinsville Circuit Court, Motion for Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
From: Ashby Pritchett <apritchett@vacourts.gov>
Date: 1/20/2022, 9:58 AM
To: Roberta Hill <rbhill67@comcast.net>

Mrs. Hill,

The motion of Brian David Hill was received and filed today in case CR09-009.

Ashby Pritchett, Clerk
Martinsville Circuit Court

From: Roberta Hill <rbhill67@comcast.net>
Sent: Thursday, January 20, 2022 9:13 AM
To: Ashby Pritchett <apritchett@vacourts.gov>; Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Margie Holmes <mholmes@vacourts.gov>
Subject: Fwd: Martinsville Circuit Court, Motion for Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
Importance: High

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

File cannot send through email, says it is too big.

Nancy Sherman did receive the pdf file, so you can file it from her.

Here is the direct link to the Motion that my son is filing: <https://justiceforuswgo.files.wordpress.com/2022/01/motion-circuit-court-jan-20-2022.pdf>

Too many pages to consider faxing by Brian and it has color exhibits and highlighting of important Federal Transcript testimony. It has exhibits that cannot be black and white, so I had emailed it instead. New law has passed so new evidence can be filed which my son couldn't file previously.

It's a urgent motion. My son plans on filing a Petition for the Writ of Actual Innocence regardless of whatever Judge Greer decides. He has a criminal defense of Autism Spectrum Disorder with the new law § 19.2-271.6. My son says he can fight without a lawyer now, he has the evidence to prove his innocence. So please docket the motion and please update the OCIS system so it at least shows up on there.

Thanks
Roberta

----- Forwarded Message -----

Subject: Martinsville Circuit Court, Motion for Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

Date:Thu, 20 Jan 2022 06:13:31 -0500

From:Roberta Hill <rbhill67@comcast.net>

To:Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>, Jason S. Miyares, Esq. <mailoag@oag.state.va.us>, Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>

CC:Tracy Beanz <tracy@uncoverdc.com>, Stanley Bolten <StanleyBolten@protonmail.com>, Celia@uncoverdc.com <Celia@uncoverdc.com>, Daniel@uncoverdc.com <Daniel@uncoverdc.com>, brian@uncoverdc.com <brian@uncoverdc.com>, larry@uncoverdc.com <larry@uncoverdc.com>, wendi@uncoverdc.com <wendi@uncoverdc.com>

Hey Clerk of Circuit Court for the City of Martinsville,
CC: Glen Andrew Hall, Esquire. Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this Motion for Judgment of Acquittal based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well and the certificate of service is in the last pages of the PDF file of this filing. This email is also being sent to the Respondents to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail. Also See **Video Testimony of Brian David Hill on January 5, 2022 2nd Iteration - YouTube** (Declaration under oath) - <https://www.youtube.com/watch?v=5PMaIR45MSo> which will be filed in Federal and State Courts against Glen Andrew Hall and against the Martinsville Police. This video will be filed in the Court of Appeals of Virginia requesting a Writ of Actual Innocence, my son is persistent and will not stop until he is acquitted of his charge.

To Clerk: Please confirm by read receipt or response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at VeritasTips@protonmail.com, or go to Project Veritas website.

Roberta Hill (representative for electronic filing)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

Motion for Judgment of Acquittal, case no. CR19000009-00, Circuit Court for the City of Martinsville Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:
Brian David Hill
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

Thanks,
Roberta

Subject: Fwd: Read: Martinsville Circuit Court, Motion for Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
From: Roberta Hill <rbhill67@comcast.net>
Date: 1/20/2022, 9:14 AM
To: "Hon. Ashby R. Pritchett, Clerk of the Court" <APritchett@vacourts.gov>, "Hon. Ashby R. Pritchett, Clerk of the Court" <APritchett@courts.state.va.us>

Proof of receipt from Atty. Andy Hall.

Thanks,
Roberta

----- Forwarded Message -----

Subject:Read: Martinsville Circuit Court, Motion for Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
Date:Thu, 20 Jan 2022 12:08:46 +0000
From:Andy Hall <ahall@ci.martinsville.va.us>
To:Roberta Hill <rbhill67@comcast.net>

Your message

To: Andy Hall
Subject: Martinsville Circuit Court, Motion for Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
Sent: Thursday, January 20, 2022 6:13:31 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, January 20, 2022 7:08:46 AM (UTC-05:00) Eastern Time (US & Canada).

— Attachments: —

Attached Message Part

275 bytes

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,
PLAINTIFF,

v.

BRIAN DAVID HILL,
DEFENDANT.

CASE NO: CR19000009-00

**MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW
EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME
OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF
EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA;
REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW
HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL
EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE,
ALSO LIKELY DESTROYED**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and moves this Honorable Court for the following, for judgment of acquittal or a Writ of Actual Innocence based upon new admissible evidence which could not have been legally considered admissible in 2019 until a new law had passed in 2021; and new evidence that the Commonwealth of Virginia by and through Martinsville Police Department had violated one or multiple Court Orders on omission and destruction of discovery materials aka Brady materials pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and pursuant to the Court

Orders. **This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15;** Virginia Code § 19.2-271.6; and Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008).

The request for judgment of acquittal is for criminal case no. CR19000009-00; charge of violating Virginia Code § 18.2-387. Indecent exposure dated September 21, 2018; and the criminal conviction judgment which was rendered on November 18, 2019.

Defendant requests in this motion that the Court consider all new **STATEMENT OF FACTS** concerning new facts of mental illness/disability/disorders which were not admissible at the time of the criminal conviction and spoliation of evidence by the Commonwealth, and that these **STATEMENT OF FACTS** warrant a judgment of acquittal, A Writ of Actual Innocence, or an evidentiary hearing to make a determination on the new facts and allow both sides to present evidence to the Court; present any witnesses for direct examination and cross examination; and make a determination if Defendant had made a requisite showing of Actual Innocence through Legal Innocence, meaning that the law was never violated that a conviction cannot be sustained with the new evidence.

This Motion is pursuant to Virginia Rules of the Sup. Ct. 3A:15; Virginia Code § 19.2-271.6; and Schlup v. Delo, 513 U.S. at 327 — 28. Settles v. Brooks, Civil Action No. 07-812, 18 n.6 (W.D. Pa. Jun. 26, 2008) (“The Supreme Court in Schlup explained that an actual innocence claim in the context of seeking to have a procedural default “forgiven” so as to have the procedurally defaulted claims reviewed on the merits is a “gateway” claim. In other words, the claim of actual innocence in the Schlup context is not a claim that because I am actually innocent by virtue of that fact alone I am entitled to federal habeas relief but, rather, is a claim that contends because I am actually innocent, the court should **forgive my**

procedural default in the State courts and consider my procedurally defaulted claims on their merits. Schlup, 513 U.S. at 315.”)

Settles v. Brooks, Civil Action No. 07-812, 16 (W.D. Pa. Jun. 26, 2008)
 (“Petitioner counters that this evidence of his actual innocence overcomes the procedural default because to not entertain his **procedurally defaulted claim of actual innocence would result in a complete miscarriage of justice.**”)

This Court’s criminal conviction entered on the judgment of November 18, 2019, against Brian David Hill, an innocent man, is not a final judgment as the timely direct appeal of that criminal conviction is still pending after filing a timely NOTICE OF APPEAL (CAV Appeal no. 1295-20-3) to the Supreme Court of Virginia on September 9, 2021. Still pending. Therefore the final judgment had not been entered yet and this MOTION is being filed during the appeal pending process of Direct Appeal of the criminal conviction in this case. A judgment is usually not final until a timely appeal had concluded by the highest appeal Court available. Therefore this Motion should not be barred by any time limits. Also “Actual Innocence” is not procedurally time barred and “Actual Innocence” claims cannot be time barred. “Actual Innocence” is not procedurally barred.

Before the Statement of Facts, let us examine a new law as to admissibility of evidence material and relevant to his criminal charge, previously not admissible in the year, 2019, when Defendant had withdrawn his appeal. Defendant had not plead guilty and had retained his right to prove his Actual Innocence and overturn his conviction at a later date. With the new Virginia law in 2021, today is that day.

CITATION OF § 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Intellectual disability" means the same as that term is defined in § 37.2-100.

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

STATEMENT OF FACTS

The Statement of Facts is hereby presented to the Circuit Court for Martinsville based on the following new pieces of evidence:

1. Defendant suffers from a neurological mental condition/illness and disorder since childhood known as Autism Spectrum Disorder, this disorder is in The Diagnostic and Statistical Manual of Mental Disorders (DSM). It is a highly diagnosed disorder on many kids with unusual behavior issues in schools and daycares, and is a known disorder. Autism follows the child into adulthood and is considered a permanent neurological disability. Defendant had suffered from such disorder before the time of the alleged incident on September 21, 2018, during the time of the alleged incident on September 21, 2018, and after the time of the alleged

incident on September 21, 2018. This new Virginia Law and the evidence presented by Defendant plays a role in proving that there was NO INTENT to violate Virginia Code, citing Mens Rea, in regards to the charge of Virginia Code § 18.2-387. Indecent exposure, on September 21, 2018. See EXHIBIT 1 (EXHIBIT PAGES 1-3), EXHIBIT 10 (EXHIBIT PAGES 131-137), EXHIBIT 11 (EXHIBIT PAGES 138-139), AND EXHIBIT 12 (EXHIBIT PAGES 140-146).

2. Defendant was diagnosed in October, 2018, as to suffer from a psychosis after making statements about a guy wearing a hoodie threatening to kill his mother if he had not gotten naked. Psychosis Disorder was given to Brian David Hill by Psychiatrist Dr. Conrad Daum, a forensic psychiatrist. Psychosis was found in relevance to and material to the alleged incident on September 21, 2018, regarding the alleged indecent exposure allegations against Brian David Hill.
3. Only in 2019, when the Jury Trial was scheduled for December 2, 2019, Defendant's only best viable option at the time was to attempt to plead not guilty by reason of INSANITY, as at the time was Defendant's only option, but that option was not available to Defendant due to lack of sufficient evidence for the Circuit Court to find Defendant not guilty by reason of insanity. Now with the Legislature's 2021 passage of Virginia Code § 19.2-271.6, **Defendant now can declare himself not guilty by evidence of his mental disorders/illnesses/disabilities and no intent by reason of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder.** In regards to INTENT, the intent element of his charge, **Brian David Hill is innocent of the intent element and the intent element by the Commonwealth is disproven by the 2021 admissible evidence which was not admissible in 2019.**
4. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; could not have been used for the Jury Trial prior to Defendant withdrawing his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-

271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. In 2019, during the pendency of his Trial De Novo, Defendant was only permitted to try for mental insanity plea but that is a very high bar with ghastly consequences of indefinite detention in a State Mental Hospital if it had succeeded. Now thanks to the new 2021 law, now the defendant has another admissible and legal defense and that is his defense of Autism, Obsessive Compulsive Disorder, and Psychosis proving that Defendant had no intent of violating Virginia Code § 18.2-387; and intent is required to be proven to convict Defendant of the charge of violating Virginia Code § 18.2-387. All elements of a criminal charge and allegations must be proven beyond a reasonable doubt to convict, otherwise the Court must acquit.

5. The STATEMENT OF FACTS paragraphs 1 and 3; and paragraphs 18-23; and other FACTS could not have been used in the Jury Trial scheduled for December 2, 2019, even if Defendant had not withdrawn his appeal, filed on November 12, 2019, because the statute/law of Virginia Code § 19.2-271.6 had not existed until 2021 after the General Assembly passed such bill into law and the Governor's approval by signing the legislation. With the law in effect, Defendant can now have a defense for when he takes the matter back to Trial or request for Judgment of Acquittal to save scarce judicial resources by FACTS of Innocence. A criminal case "defense" is considered actual innocence. Having a defense means that you did not break the law, and the legal defense shows that the law was not violated.
6. Now that the statute/law of Virginia Code § 19.2-271.6, had been codified as the law, it nullifies Virginia Supreme Court verdict of Stamper v. Commonwealth, 228 Va. 707 (1985). Due to that Virginia Supreme Court decision, Normally the Courts bar usage of mental disorders and mental disabilities as any defense of NO INTENT or helps prove innocence; cause of that case law authority in the year of 1985 prior to the new law in the year of 2021. However the passage of this new

LAW by the Legislature nullifies that case law, **nullifies Stamper v. Commonwealth, 228 Va. 707 (1985)** and modifies existing law to permit usage of Developmental disability, Intellectual disability, and mental illness as a legal defense to a criminal charge in regards to INTENT and that such evidence would be admissible when normally it would be barred by the Courts in Virginia. Therefore it is codified as LAW that mental disorders and mental illnesses be considered as part of the evidence, facts, and elements of a charged crime. Mental disorders can disprove one or multiple elements of a charged crime and thus a Defendant cannot be held culpable as previously held under previous law.

7. **THEREFORE, Defendant requests with the Circuit Court in this MOTION to modify and/or extend any existing or create new case law of Virginia Code § 19.2-271.6 with the nullification of **Stamper v. Commonwealth, 228 Va. 707 (1985)**; to hold or find that Defendant Brian David Hill is entitled to a new criminal defense; and thus is either entitled to a New Trial or Judgment of Acquittal or Writ of Actual Innocence by establishing proof of his mental illnesses/disabilities/disorders and that those mental issues are material to the charge and thus prove that Defendant had no INTENT to violate any Virginia Law on the night of September 21, 2018. Defendant requests that the law in this Court must be extended or modified or newly created by the new law to extend to the criminal case of Brian David Hill, and to the wrongful conviction of Brian David Hill on November 18, 2019.**
8. Under the United States and Virginia Constitutions you must be guilty of every element of a crime to be convicted. The Government bears the burden of proving every element of your crime beyond a reasonable doubt. Like in the OJ Simpson Trial case for example, if the glove doesn't fit, the Jury must acquit.
9. Defendant Brian David Hill never plead guilty when he had filed a motion to withdraw appeal. He had a defense with proof of evidence backing such criminal

defense which had not existed (as it was inadmissible in 2019) in the year of 2019 but now existed after the year of 2021. The judge recognized that Brian David Hill never plead guilty, such notion was marked out of the record by permanent black marker pen ink. On the Judgment entered by Hon. Giles Carter Greer on November 18, 2019: he or his Law Clerk had stricken from the record any notion of such. Therefore, it is a fact that Defendant never plead guilty to this charge in any Court of Law.

10. The Virginia Code § 19.2-271.6 provides that a Defendant can file and assert evidence to support his defense now that he had “no intent” to commit any criminal act on September 21, 2018. The law says “and shall be admitted if such evidence (i) tends to show the defendant did **not have the intent required for the offense charged**” (citations omitted).
11. With the new evidence presented along with the STATEMENT OF FACTS paragraphs 1 through 10; paragraphs 18 through 23; on December 21, 2018, the General District Court erred in finding that the evidence before it was sufficient to find that Defendant violated Virginia Code § 18.2-387 because the evidence **failed to show that the Defendant acted intentionally** to make an obscene display or exposure of his person. That means the Circuit Court also erred in affirming the judgment of the General District Court on November 18, 2019.
12. That criminal law statute provides, in relevant part, that “[e]very person who **intentionally** makes an **obscene** display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor.” Va. Code § 18.2-387 (emphases added).
13. “The ‘obscenity’ element of Code § 18.2–387 may be satisfied when: (1) the accused admits to possessing such intent, *Moses v. Commonwealth*, 611 S.E.2d

607, 608 (Va. App. 2005)(*en banc*); (2) the defendant is visibly aroused, *Morales v. Commonwealth*, 525 S.E.2d 23, 24 (Va. App. 2000); (3) the defendant engages in masturbatory behavior, *Copeland v. Commonwealth*, 525 S.E.2d 9, 10 (Va. App. 2000); or (4) in other circumstances when the totality of the circumstances supports an inference that the accused had as his dominant purpose a prurient interest in sex, Hart, 441 S.E.2d at 707–08. The mere exposure of a naked body is not obscene. See *Price v. Commonwealth*, 201 S.E.2d 798, 800 (Va. 1974) (finding that “[a] portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene’.” *Romick v. Commonwealth*, No. 1580-12-4, 2013 WL 6094240, at *2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted)).

14. While the evidence may show that Defendant was naked in public at night, as stated in the original Criminal Complaint Affidavit filed on September 21, 2018 by Officer Robert Jones of Martinsville Police Department; nudity, without more, is not obscene under Virginia law. Rather, “[t]he word ‘obscene’ where it appears in this article shall mean that which, **considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex**, that is a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.” Va. Code § 18.2-372 (emphasis added). While Virginia does not appear to have established a clean definition of criminal intent, Black’s Law Dictionary defines it as “[a]n intent to commit an actus reus without any justification, excuse, or other defense.”

15. In summary, in order to show that the Defendant committed the offense of indecent exposure under Virginia law, the Commonwealth was required to prove,

among other things, that the Defendant had the intent to display or expose himself in a way which has, as its dominant theme or purpose, appeal to the prurient interest in sex, as further defined above, without any justification, excuse, or other defense.¹ The Commonwealth failed to do so. Rather, the Commonwealth's evidence, presented through its own witnesses, showed the Defendant as someone who was running around naked between midnight and 3:00 a.m. and taking pictures of himself because he believed that someone was going to hurt his family if he did not do so. See **EXHIBIT 4**. See EXHIBIT PAGES INDEX PAGES 45-46.

16. The General District Court on the Trial of December 21, 2018 and the Circuit Court while pending a Trial De Novo did not hear of Virginia Code § 19.2-271.6; and any evidence admissible pursuant to Virginia Code § 19.2-271.6 (2021, law) could not be admissible at the time of General District Court on the Trial of December 21, 2018; and not to be at the time of the Jury Trial set for the date of December 2, 2019, in the Circuit Court for the City of Martinsville. Now new evidence can be heard and be admitted for the Jury Trial or Judgment of Acquittal or Writ of Actual Innocence by a rational trier of fact.
17. Had the passage of Virginia Code § 19.2-271.6 been prior to the Jury Trial set for December 2, 2019, the Defendant never would have filed a motion to withdraw appeal. The passage of Virginia Code § 19.2-271.6 gives the defendant a defense which had not been allowed previously at the time of both Trials in both the General District Court and the Circuit Court. The cause and passage of Virginia

¹ For the reasons stated above, the government's burden was to prove every element of the offense, including the mens rea, beyond a reasonable doubt. However, even if, arguendo, this Court were to find that the government's burden was only a preponderance of the evidence, the government has still failed to carry its burden.

Code § 19.2-271.6 had caused the Defendant to want to pursue either a New Trial, Actual Innocence, or Judgment of Acquittal. Since evidence that Defendant could not be allowed to use in both Trials is now permissible to be used and is admissible. This gives the Defendant, a laser-focused legal defense which can be used to be found not-guilty by a jury. A laser-focused legal defense which was not afforded to him in 2019 due to the previous law or laws regarding admissibility of mental illness, mental disability, and mental disorders as evidence for his/her defense to a criminal charge.

18. The General District Court and the Circuit Court did not hear, however, any evidence of Defendant having his dominant theme, or purpose being an appeal to the prurient interest in sex. For example, there was no evidence of Defendant making any sexual remarks, being aroused, masturbating, or enjoying his conduct, sexually or otherwise. If a person was purposing to expose himself in public because he or she found it sexually arousing, it would be logical that he or she would pick a place and time where he or she would expect to encounter lots of members of the public. Defendant did not do that. Rather, he was running around between midnight and 3:00 a.m. and the witnesses to his nudity were few. Hence, the statements Defendant made to police and his conduct both indicate that, in the light most favorable to the Commonwealth, he was naked in public **while having a psychiatric episode or mental breakdown**, but **without the intent necessary to commit indecent exposure under Virginia law**. Therefore, the Circuit Court and General District Court erred, as a matter of law, when it found that Defendant had violated Virginia Code § 18.2-387. The conviction must be vacated as soon as possible.
19. There was only one Mental Evaluation ordered by the General District Court regarding the time of the alleged incident on September 21, 2018, and at the time it was only regarding Mental Insanity or Competency. That evaluation was

conducted for this case in the General District Court, before it was appealed as a Trial De Novo review. Despite it being only for “Competency to Stand Trial”, that evaluation is relevant and material to what had happened on September 21, 2018. For GC18-3138. Evaluation Report is sealed so I am referring to the entire SEALED EVALUATION CASE FILES. Anyways, that evaluation was not pursuant to Virginia Code § 19.2-271.6, but nevertheless that mental evaluation by Dr. Rebecca K. Lochrer, PhD, shall constitute material evidence in support of Defendant’s defense in his criminal case pursuant to Virginia Code § 19.2-271.6. Therefore Defendant did push for such mental evaluation, even though in 2018 it was only permitted to be an evaluation for competency and/or insanity. Some of the diagnoses are: “Autism Spectrum Disorder” and “Obsessive Compulsive Disorder”. Both of those are evidence pursuant to Virginia Code § 19.2-271.6, and prove that Defendant had such disorders at the time of the alleged incident as charged on September 21, 2018.

20. There was an issue of non-compliance with one element of the Court Order for a Mental Evaluation where Attorney Scott Albrecht of the Public Defender Office in 2018 was supposed to provide all mental health records known to him and medical records known to him to Dr. Rebecca K. Lochrer, PhD, for the mental evaluation. Scott Albrecht did not provide a documented diagnosis from forensic psychiatrist Dr. Conrad Daum in October 24, 2018, where he had diagnosed Defendant as having “Psychosis” referring to Psychosis Disorder and “Autistic Disorder” referring to Autism Spectrum Disorder. See **Exhibit 12** (EXHIBIT PAGES 140-146) for the diagnosis on October 24, 2018. That was omitted from her PSYCHOLOGICAL EVALUATION and never introduced to Dr. Rebecca K. Lochrer, PhD, so she was in the dark in regards to the psychosis diagnosis. She, the psychological evaluator for the criminal case did not know about that past diagnosis which means her report was premature, erroneous (by lack of all

knowledge of all mental reports) and incomplete due to lack of her access to all relevant and material mental health records that Attorney Scott Albrecht may have been aware of but failed to give her a copy of as asked by the Court. See **Exhibit 13** (EXHIBIT PAGES 147-152), for the information on Dr. Conrad Daum being a “American Board of Forensic Psychiatry Certification in Forensic Psychiatry”. So he is a certified forensic psychiatrist, which means his evaluations and expertise is admissible in Federal and/or State Courts. Also now admissible under Virginia Code § 19.2-271.6.

21. The evaluation referenced and cited in paragraphs 17 and 18, prove for a fact that Defendant Brian David Hill suffers from Autism Spectrum Disorder, Obsessive Compulsive disorder, and a psychosis around the time of the charge of Brian David Hill for the alleged claim that Brian David Hill committed indecent exposure and was charged with violating Virginia Code § 18.2-387.
22. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness since he was a child. See **Exhibit 1** (EXHIBIT PAGES 1-3). **Exhibit 1** is the “DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION” with a Doctor’s medical certification in the year 2016 that Brian David Hill is permanently limited or impaired, because of his Autism Spectrum Disorder. See **Exhibit 10** (EXHIBIT PAGES 131-137). **Exhibit 10** is the “DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION”. This proves to the Circuit Court of the City of Martinsville, that Brian David Hill’s claim of being autistic is not merely some new claim and is not some new claim to attempt to make Brian appear to be Autistic, but he is autistic for many years, for decades, well since he was four years old. He is Autistic and has always been Autistic since the age of 4 as documented by the **Exhibit 10** diagnostic report.

Brian David Hill establishes a STATEMENT OF FACT that Brian David Hill has been autistic since childhood, and thus this is a real disorder and he had this disorder in the 1990s even before 2018. This makes this FACT an undeniable FACT. Prima Facie evidence.

23. It is a fact that Brian David Hill has Autism Spectrum Disorder and had this disorder/illness in 2017 as well. See **Exhibit 11** (EXHIBIT PAGES 138-139), Letter from “Dr. Shyam E. Balakrishnan, MD”. The DMV record referenced in paragraph 20 and the letter both demonstrate the prima facie evidence that Brian David Hill has Autism Spectrum Disorder and Obsessive Compulsive Disorder.
24. There is an expert witness documented report (a whitepaper) from a Law Enforcement trainer regarding Autism Spectrum Disorder and interactions with Law Enforcement Officers. That would include interactions with people like for example: Commonwealth witness and Police Officer Robert R. Jones, who interacted with Brian David Hill on September 21, 2018, who Brian David Hill had Autism Spectrum Disorder. I submit to the Circuit Court of the City of Martinsville, a relevant and material whitepaper and expert witness testimony, 3-page report from Dennis Debbaudt. The Commonwealth of Virginia and the Circuit Court may contact this expert witness and subpoena him or depose him, expert named Dennis Debbaudt, at the address of 2338 SE Holland Street, Port St. Lucie, Florida 34953. His email is DDPI@flash.net. Phone: (772) 398-9756. The expert witness report applies to Brian David Hill on the situation with his interactions with Officer Robert Jones, the charging Officer on September 21, 2018. The report is titled: “Interview and Interrogation of people with autism (including Asperger syndrome)” This shall be a STATEMENT OF FACT regarding any oral or written statements obtained from Brian David Hill by Officer Robert Jones can be part of his Autism Spectrum Disorder. Brian David Hill warned Officer Robert Jones that he had Autism and can give misleading

statements when questioned. The officer refused to take heed of Brian's advice of his mental disability, of his communications issues, and totally treated it as if it weren't true, despite the medical records proving that Brian had Autism and has Autism. Brian didn't lie to the officer. Officer Jones did not take any of Brian's statements about Autism into account or consideration when charging the Defendant. See **Exhibit 14** (EXHIBIT PAGES 153-164).

25. According to **Exhibit 14** (EXHIBIT PAGES 153-164), a Federal Court Declaration Brian David Hill had filed notifying the U.S. District Court about the incident and his charge which had occurred on September 21, 2018. It is titled: "STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018". Six (6) days after his arrest and charge. The reason it was filed on the date of October 17, 2018, was because Defendant had mailed the legal pleading to the wrong address: "324 West Market Street," "Martinsville, Virginia 24112". The mailing got returned to him (RETURN TO SENDER) for no such address and Brian David Hill later realized that he mailed the wrong city and State, and mailed it to the correct address of the Federal Courthouse at 324 West Market Street, Greensboro, North Carolina 27401. The **Exhibit 14** document is his statements about what he personally believed had happened on September 21, 2018, and what led up to it. He even said he thought he was "drugged" and yet the Commonwealth of Virginia never mandated any drug test DESPITE Defendant's claims of being "drugged", and it is their fault, it is the fault of Martinsville Police Department and Martinsville City Jail for not drug testing him when he is making statements in Federal Court, in writing, claiming that he thought he was drugged. Those written statements can be proven. I bet Defendant also told his attorney and/or the Officer and Brian's family during visitation that Defendant thought he was drugged and had blackouts. The Commonwealth never requested any drug test or Carboxyhemoglobin test because they were afraid that it would prove Brian Hill's

statements to be true, referring to any statements he made to Officer Robert Jones when being questioned about why he was naked.

26. This STATEMENT OF FACT shall present evidence that Defendant was deprived of Brady evidence material from the Commonwealth of Virginia in violation of multiple Court Orders, in violation of his Constitutional rights pursuant to Brady v. Maryland, 373 U.S. 83 (1963). Not just deprived of evidence, but evidence was destroyed by the Commonwealth of Virginia. Evidence such as: (#1) body-camera footage recorded by Officer Robert Jones and body-camera footage of any other police officers involved on September 21, 2018, regarding the arrest and interview/interrogation of Brian David Hill on September 21, 2018. Evidence such as: (#2) Blood vials drawn from Brian David Hill's arm at the Hospital after police detained Brian David Hill and handcuffed him and taken him to the Hospital. Technically Defendant was in Law Enforcement custody, in the custody of Martinsville Police Department after he was detained, and was at the Hospital with the officers present with defendant handcuffed. They were responsible for collection of any evidence and preservation of any evidence including biological evidence, concerning a pending criminal case matter before a Court. Biological evidence including blood samples and blood drawn from Defendant after being detained at a creek and had been taken to the Hospital by Martinsville Police and being driven there in an ambulance but still was under police custody. Blood vials were destroyed and laboratory tests which were supposed to be conducted including any drug or alcohol tests were then cancelled and blood vials destroyed. Martinsville Police Department was represented by the Commonwealth of Virginia, and Martinsville Police Department had committed two acts of spoliation of evidence. Therefore, the Commonwealth of Virginia destroyed evidence in violation of Court Orders and therefore, have violated multiple Court Orders which is CONTEMPT OF COURT, multiple times. Not

only has the Commonwealth of Virginia through its counsel Glen Andrew Hall, Esquire, committed the offenses of CONTEMPT OF COURT by omission of the body-camera footage and the blood vials drawn from Brian's arm, but had destroyed evidence and the Circuit Court should sanction Glen Andrew Hall, Esquire for destruction of biological evidence and destruction of video footage by a police body-camera recorded on September 21, 2018 of Brian David Hill.

The Circuit Court should punish Glen Andrew Hall and Martinsville Police department for violating one or multiple Court Orders.

See inherit or implied power and authority of all Courts under *Chambers v. Nasco, Inc.* (90-256), 501 U.S. 32 (1991); *Hazel-Atlas Glass Co. v Hartford-Empire Co.*, 322 U.S. 238 (1944).

Spoliation of Evidence is considered a FACT, and can be part of the STATEMENT OF FACTS because any spoliation of evidence by the Plaintiff/Prosecutor of a criminal or civil case means that his/her case was a weak or unfounded one from the very beginning no matter what alleged facts are filed of his/her cause.

For purposes of this Motion, "destruction of evidence" means rendering discoverable matter permanently unavailable to the court and the opposing party. Such a broad definition is necessary because of the great many contexts in which courts and commentators have considered destruction of evidence. It has two components: destruction and evidence.

See 2 J. WIGMORE (John Henry Wigmore), *EVIDENCES* § 278, at 133 James Harmon Chadborn ed., Little, Brown 1979) (1940) (emphasis added). See Federal Rules of Evidence 401.; 32 C.J.S. Evidence § 535 (2008); Evidence—Admissibility of

Attempts by a Party to Suppress Evidence, 9 TEX. L. REV. 79, 100 (1930) (stating that it has “long been recognized” that a party’s misconduct in manipulating evidence is admissible as indicating a “consciousness of the weakness of his case,” and citing cases from the 1800s that applied the inference to the fabrication, suppression, or destruction of evidence).

See *United Medical Supply Company, Inc. v. U.S.*, No. 03-289C, 8 (Fed. Cl. Jun. 27, 2007) (“Spoliation is the destruction or significant alteration of evidence, or failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation.” *West v. Goodyear Tire Rubber Co.*, 167 F.3d 776, 779 (2d Cir. 1999) (citing *Black's Law Dictionary* 1401 (6th ed. 1990)); see also *Allstate Ins. Co. v. Hamilton Beach/Proctor Silex, Inc.*, 473 F.3d 450, 457 (2d Cir. 2007). It has long been the rule that spoliators should not benefit from their wrongdoing, as illustrated by “that favourite maxim of the law, *omnia presumuntur contra spoliatores*,” 1 Sir T. Willes *Chitty, et al.*, *Smith's Leading Cases*, 404 (13th ed. 1929). Spoliation may result in a variety of sanctions, with “the oldest and most venerable remedy” being an “adverse inference,” under which the finder of fact may infer that the destroyed evidence would have been favorable to the opposing side. Jonathan Judge, “Reconsidering Spoliation: Common-Sense Alternatives to the Spoliation Tort,” 2001 *Wis. L.Rev.* 441, 444 (2001); see also Jamie S. Gorelick, Stephen Marzen Lawrence Solum, *Destruction of Evidence* § 1.3 (1989) (hereinafter “Gorelick”).”)

If you catch the other side engaged in falsification including destruction of evidence, you can use that to argue that the other side's entire position lacks merit. And even more fundamentally, judges and juries do not like being tricked. If a judge or jury agrees that your opponent has engaged in falsification—even falsification relating only to one of several issues in the case—it will hold this quite strongly against your opponent and will come to doubt the validity of everything your opponent says and claims.

See 501 U.S. at 56–57; see also *Synanon Found., Inc. v. Bernstein*, 517 A.2d 28, 43 (D.C. 1986) (once a party embarks on a “pattern of fraud,” and “[r]egardless of the relevance of these [fraudulent] materials to the substantive legal issue in the case,” this is enough to “completely taint [the party’s] entire litigation strategy from the date on which the abuse actually began”).

See Some examples are: *Breezevale Ltd. v. Dickinson*, 879 A.2d 957, 964 (D.C. 2005) (**affirming sanction of dismissal where top executives of plaintiff company engaged in scheme to forge documents and subsequently denied the forgery in pleadings and sworn testimony**); *Synanon Found., Inc. v. Bernstein*, 503 A.2d 1254, 1263 (D.C. 1986) (**affirming sanction of dismissal where plaintiff, inter alia, destroyed audiotapes and made false statements to the court “that no responsive documents could be found” in order “to deceive the court, and to improperly influence the court in its decision on the defendants’ motions to compel, with the ultimate aim of preventing the judicial process from operating in an impartial fashion”**); *Cox v.*

Burke, 706 So. 2d 43 (Fla. Dist. Ct. App. 1998) (affirming sanction of dismissal where plaintiff gave false answers to interrogatories and deceptive deposition testimony); Pope v. Fed. Express Corp., 974 F.2d 982, 984 (8th Cir. 1992) (affirming sanction of dismissal for plaintiff's forgery of, and reliance on, a single document); Aoude v. Mobil Oil Corp., 892 F.2d 1115 (1st Cir. 1989) (affirming dismissal where plaintiff concocted a single document); Tramel v. Bass, 672 So. 2d 78, 82 (Fla. Dist. Ct. App. 1996) (**affirming default judgment against defendant who excised damaging six-second portion of videotape** before producing it during discovery).

**FACTS AND ISSUES WARRANTING JUDGMENT OF ACQUITTAL AND/OR
SANCTIONS AGAINST GLEN ANDREW HALL, ESQUIRE, AND AGAINST
THE COMMONWEALTH OF VIRGINIA**

1. The General District Court of Martinsville had entered an Order on the date of November 28, 2018. See **EXHIBIT 5** (EXHIBIT PAGES 112-114) to this filing. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

2. This Circuit Court for the City of Martinsville and the General District Court of the City of Martinsville did not know that the Commonwealth of Virginia and the City of Martinsville, through its legal counsel named Glen Andrew Hall, Esquire, had not followed the Court Orders of November 28, 2018; February 6, 2019; and July 15, 2019. That he did not comply with those Court Orders and flagrantly violated those Court Orders without giving a good reason to justify such action(s).
3. The Circuit Court for the City of Martinsville had entered an Order on the date of February 6, 2019. See **EXHIBIT 6** to this filing (EXHIBIT PAGES 115-118). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.
4. The Circuit Court for the City of Martinsville had entered an Order on the date of July 15, 2019. See **EXHIBIT 7** to this filing (EXHIBIT PAGES 119-122). Order for discovery materials. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of the body-camera footage recorded on September 21, 2018. That order had not been complied with by the Commonwealth of Virginia for spoliation and omission of blood vials, aka biological evidence obtained from Brian David Hill while at Sovah Hospital on September 21, 2018, while in the custody of Martinsville Police department before being charged with indecent exposure. Blood vials are biological human evidence, so it is considered Brady discovery materials and are relevant and material to September 21, 2018, and this such spoliation also violates this Court Order.

5. Evidence in the Court record attached thereto had proven that the Defendant had repeatedly asked for the police body-camera footage and made statements under Affidavit in the Federal Court and had sent written letters to Martinsville Police Department. All of those letters asked for the Police body-camera footage as was supposed to be to comply with the General District Court's order dated November 28, 2018. See **EXHIBITS 2 (EXHIBIT PAGES 4-27) AND 3 (EXHIBIT PAGES 28-29).**
6. Scott Albrecht was too afraid to push for a contempt proceeding against Glen Andrew Hall, Esquire, for failing and refusing to turn over a copy of the Martinsville Police body-camera footage which is relevant non-subjective evidence dated September 21, 2018, and refused or failed to allow inspection or copying of this relevant non-subjective evidence to defense attorney Scott Albrecht. Defendant kept asking for this body-camera footage over and over again. His requests went unanswered and then the body-camera footage was later destroyed as Defendant found out from Attorney Matthew Clark that Martinsville Police Department had a body-camera footage evidence retention period before destroying the evidence. It doesn't matter about the evidence retention period, because the Court Order demanded that this Brady material be turned over to the Defendant and his counsel to have it inspected and make copies for the purpose of legal defense to the criminal prosecution's charge.
7. The Martinsville Police Department who originally had filed the complaint in this case, is and was represented by Glen Andrew Hall, Esquire, and the Martinsville Police Department is the client of the Commonwealth Attorney Glen Andrew Hall, Esquire. As the client, the client as well as its representative legal counsel has to comply with whatever Court Orders are entered at the direct of this Court. Defendant was charged

with Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. When a criminal charge or any litigation is pending, evidence is supposed to be retained and safeguarded until the litigation is concluded and all appeal or appeals exhausted.

8. Martinsville Police Department did retain the body-camera footage at the beginning of when it was recorded as was outlined in a public news article printout titled: “Body Cameras Proving Useful for Martinsville Police | WSET”. See **EXHIBIT 2** (EXHIBIT PAGES 4-27) AND **EXHIBIT 8** (EXHIBIT PAGES 123-126).
9. While the General District court can argue that they transferred the case to the Circuit Court of Martinsville. This order originally came from the General District Court of the city of Martinsville. The Circuit Court may or may not hold the legal counsel in contempt for violating a General District Court order. However Glen Andrew Hall, Esquire, did violate that General District Court Order and two Circuit Court Orders with all intents and purposes described in this Motion and its attachments/Exhibits herein. This Court still has the power from its inherit powers to push for a contempt charge or contempt proceeding against Glen Andrew Hall for not complying with the Court Order in **EXHIBIT 5** (EXHIBIT PAGES 112-114) and the other two Court Orders as exhibited herein in Exhibits 5, 6, and 7.
10. Since it was up to Attorney Scott Albrecht entirely to ensure the proper following of the Orders of this Court, Scott Albrecht should also be considered as an accomplice of the contempt behavior of the Commonwealth Attorney Glen Andrew Hall, Esquire, since he allowed such blatant violation of the General District Court’s (“GDC’s”) and this Court's Order for discovery.

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 5, EXHIBIT PAGES 112-114**):

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

(2) [citation omitted]

(3) Any exculpatory information or evidence as set forth by Brady v. Maryland and its progeny that is known to the Commonwealth.

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 6, EXHIBIT PAGES 115-118**):

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to

Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the

Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the

attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to

the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the

Defendant to inspect and copy or photograph, within a reasonable time, before the trial or

sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the

Defendant, or copies thereof, or the substance of any oral statements or confessions made by the

Defendant to any law enforcement officer, the existence of which is known to the attorney for the

Commonwealth, any certificates of analysis pursuant to § 19.2-187, and any relevant written

reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and,

breath tests, other scientific reports, and written reports of a physical or mental examination of

the Defendant or the alleged victim made in connection with this particular case, or copies

thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by

Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements,

real evidence, scientific analysis, or reports, known to or in the possession of the

Commonwealth

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

Citation of Court Order (COPY OF COURT ORDER, **EXHIBIT 7, EXHIBIT PAGES**
119-122):

Came this day, the Defendant, Brian David Hill, by counsel,
who moved, pursuant to

Rule 3A:11 of the Rules of Court, that the Commonwealth's
Attorney be directed to permit the

Defendant discovery in this case, as set forth in the said Rule,
and upon the motion of the

attorney of the Commonwealth requesting reciprocal discovery
under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule
3A:11(b) should be granted to

the Defendant, it is hereby ORDERED that the Commonwealth's
Attorney permit counsel for the

Defendant to inspect and copy or photograph, within a
reasonable time, before the trial or

sentencing, the following:

(1) Any relevant written or recorded statements or confessions
made by the

Defendant, or copies thereof, or the substance of any oral
statements or confessions made by the

Defendant to any law enforcement officer, the existence of
which is known to the attorney for the

Commonwealth, any certificates of analysis pursuant to § 19.2-
187, and any relevant written

reports of autopsies, ballistic tests, fingerprint analyses,
handwriting analyses, blood, urine, and

breath tests, other scientific reports, and written reports of a
physical or mental examination of

the Defendant or the alleged victim made in connection with this
particular case, or copies

thereof, that are known by the Commonwealth's Attorney to be
within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by

Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements,

real evidence, scientific analysis, or reports, known to or in the possession of the

Commonwealth

[Citations reformatted above. May have minor spelling issues as it was copied and pasted]

11. That order and possibly the other two Court Orders from the Circuit Court said: “Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth”. They did know about it because any letters mailed to the Chief of Police or the Commonwealth Attorney are known to the Commonwealth Attorney. This was likely during the evidence retention period still in effect at that time for the Police body-camera footage. However the evidence retention period should not matter during a pending criminal litigation. Whether it be a civil litigation hold letter request or a criminal case proceeding, destruction of any evidence which is relevant and directly relevant or material to the prosecution of the case and to the defense of that said criminal prosecution is in direct violation of that Court Order or Court Courts. The multiple letters mailed by Brian David Hill on a pro se basis to the Martinsville Police Department and the letter mailed by Kenneth Ray Forinash and/or Stella Forinash who had mailed a typed copy of that same letter Brian had mailed multiple times to the Martinsville Police Department requesting that body-camera footage as it was supposed to have been turned over pursuant to the Court Order received by Glen Andrew Hall, Esquire, and ordered of Glen Andrew Hall, Esquire, an officer of the Court. Licensed to practice law in that Court,

licensed to practice law in the Commonwealth of Virginia. They knew as multiple letters were mailed, the Court had ordered such evidence to be turned over pursuant to Brady v. Maryland and Virginia Court Rules.

12. See the one Court Order from the General District Court (**Exhibit 5**) (EXHIBIT PAGES 112-114) and the two Court Orders from the Circuit Court requesting Discovery materials from the Commonwealth of Virginia (**Exhibit 6 (EXHIBIT PAGES 115-118), Exhibit 7 (EXHIBIT PAGES 119-122)**) which the Martinsville Police Department did not comply and thus legal counsel Glen Andrew Hall, Esquire for the Commonwealth of Virginia did not comply with all three of the Court Orders.
13. It is clear that the evidence being destroyed is a blatant non-compliance with the General District Court order dated November 28, 2018 and the Circuit Court orders dated February 6, 2019, and July 15, 2019. Refusing to comply with a Court Order when ordered to do such a thing, whatever the Order says, is usually considered “Contempt of Court” when somebody refuses to comply with such an order. It is also considered defrauding the Court when the destruction of such evidence led to the Guilty verdict against Brian David Hill. Had the evidence not been destroyed, Brian would have had a good chance at winning as evidence inside of the body-camera footage could have been used to point out various things favorable to Brian David Hill's legal innocence to his charge of Indecent Exposure under Virginia Code § 18.2-387. Legal defense to the charge, Legal Innocence, referring to the same matter.
14. All Courts and Judges have the exclusive Constitutional inherent and implied powers to enforce their Court Orders and handle their own affairs. Courts also have the right to overturn a case fueled by FRAUD. Courts also consider destruction of evidence to be defrauding the Court as it had deceived the Court since the Court is a fact finding venue,

a quest to find out the truth on whether a person actually committed a crime or not, a fact finding Judicial branch of Government. If evidence is destroyed, then they cannot have the integrity to conduct proper fact finding in a criminal or civil case. It distorts and tears at the Judicial Machinery. When a Court Orders evidence to be turned over to another party and instead that evidence is destroyed without a good reason, evidence they were supposed to have and turn over or allow a copy to be made or whatever the case may be, then this leads to the Court having no legal power to do anything. This deteriorates justice to the extent where nobody respects the Court and nobody is respecting its authority and not respect its officers when there is no punishment or sanction against a rebellious non-complying officer rebelling against a lawful order of the Court. An officer of the Court is under higher standards than pro se filers because they swore an oath, that they will conduct their lawful duties and follow the laws including rules of the Court as well as the Bar rules of Professional Conduct for licensed attorneys. They have ethical duties as required by the State Bar. They have a higher standard of care regarding their conduct.

15. The City of Martinsville and its Martinsville Police department had destroyed the body-camera footage which is technically termed as: Spoliation. Spoliation is defined as the destruction or a significant or meaningful alteration of evidence.
16. The legal remedy for spoliation is sanctions against the spoliator which may range from exclusion of evidence up to dismissal of a case, or acquittal of the Defendant or a favorable decision of the victim party who is a victim from such spoliation of evidence. In determining the appropriate sanction, the trial court is required to consider:
 1. Whether the opposing party suffers prejudice as a result of the destruction of evidence;

2. Whether the prejudice can be cured;
3. The practical importance of the evidence;
4. Whether the spoliator acted in good or bad faith; and
5. The potential for abuse if the evidence was not excluded.

17. As to the first element: The opposing party Defendant Brian David Hill would suffer prejudice because the Court specifically ordered “Any relevant written or recorded statements or confessions made by the Defendant”. The Court demanded this specific evidence from the Commonwealth Attorney regarding the law enforcement officer involved with the Defendant, and they did not comply, they did not comply at all. So this satisfies the first ground. Because the evidence is destroyed and irretrievable, certain specific things in the body-camera footage can never be used to prove Brian David Hill innocent of his charge of indecent exposure. Proof such as discolored lips of suspect: Brian David Hill which would have warranted that Brian David Hill was under some kind of substance, narcotic, or gas that had affected the mental and physical well being of Brian David Hill. The body-camera footage would have contradicted the Affidavit of Sergeant Robert Jones in his original CRIMINAL COMPLAINT with his claim by the affiant that Brian was psychologically and medically cleared. The footage may also have shown Brian's behavior acting a weird or certain abnormal way under certain conditions where a behavioral or psychological expert can disagree with Brian being psychologically and medically cleared which threatens and contradicts the successful prosecution and conviction of Brian David Hill had any expert in mental behavior saw the body-camera footage. They would disagree and would feel that something was wrong with Brian but that would destroy the prosecution's narrative against the Defendant. The body-camera footage would have shown the discolored lips and one such cause of

discolored lips would be that of “CARBON MONOXIDE POISONING”. It would not be strange that the Defendant who only at one time was caught naked at night on a walking trail may be the victim or subject of CARBON MONOXIDE GAS POISONING. Even Scott Albrecht did not know about this at the time because nobody knew until 2019. It was too late to use that evidence after the General District Court of December 21, 2018, however the Police body-camera footage would have shown the discolored lips and maybe it would have shown other weird abnormal behaviors of Defendant Brian which would correlate it with symptoms of CARBON MONOXIDE POISONING. The body-camera footage is non-subjective evidence. The mouth and face would have been visible. If the Commonwealth Attorney had known or suspected that Brian was under a narcotic, substance, or gas at the time of his indecent exposure, then this adds credibility to his claims of a man wearing a hoodie threatening Brian to get naked, as drugs could play a role if somebody could have drugged Brian up to make him non-coherent. Coherent means logical and consistent. When drugged up by anybody at night where crime can be more prevalent because of the limited law enforcement presence at night, anybody could have drugged Brian David Hill with a narcotic or substance or gas. That would explain greatly why Brian behaved oddly, never engaged in indecent exposure prior to the alleged charge, and then does so under weird circumstances. This is not a normal indecent exposure case given Brian's written statements, saying that he think he was drugged and told his family that he blackouts in 2018 prior to receiving the knowledge in 2019 that gas was leaking from the fireplace in his Apartment for months and months, who knows how long the gas had been leaking into Brian's Apartment. The body-camera footage would have further proven Brian's claims of being drugged or subject to CARBON MONOXIDE POISONING. Under a weird odorless substance like that, worse than a narcotic and can cause any irrational behaviors not normally exhibited. Can even cause memory loss. Even the Martinsville Fire Department could have been subpoenaed to testify at the General district Court and could have been Court Ordered to examine

Brian's Apartment located at 310 Forest Street, Apartment 2, Martinsville, Virginia in 2018 and they would have found overwhelming evidence of CARBON MONOXIDE GAS POISONING at the very residence Brian David Hill was living in prior to his indecent exposure incident. The body-camera footage would have led to an investigation by the Fire Department or mandated to drug test Brian Hill and test his blood, saliva, and urine for any signs of narcotics or substances. If they had found the evidence of CARBON MONOXIDE POISONING or any injected drugs in Brian's system, then the Defendant did not intentionally engage in any behavior which could have been considered as violating Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. The destruction of the evidence means that it cannot be cured, as the evidence which would have proven Defendant innocent of his charge off the bat, it is gone forever and at the fault of Martinsville Police Department. This explanation also justifies "The practical importance of the evidence". It was clearly covered up on purpose to prevent the Court from ever learning the truth about Brian's intentions regarding what had happened on the night of September 21, 2018 on the Dick and Willie walking trail. This is a FRAUD ON THE COURT and Glen Andrew Hall knew that he had deceived the Court by permitting the destruction of evidence which contradicts the Court Order he was supposed to follow. He did not comply with the Court. That is CONTEMPT OF COURT. The last factor is "The potential for abuse if the evidence was not excluded." There is a way this cannot be abused, because a copy can be made of any original video recording or audio recording. All lawyers nowadays have access to a computer, whether Desktop or Laptop. They can easily make a copy of a video recording which was recorded by law enforcement. The Commonwealth Attorney could have easily added stipulations to protect the privacy of Brian David Hill and yet allow the legal counsel to inspect the footage or even allow expert witnesses to review over the body-camera footage including the GDC Court Ordered psychological evaluation and make a determination how it may come to his defense. If carbon monoxide caused temporary

insanity then the Court can easily order this to be turned over to a Mental Hospital with the Carbon Monoxide evidence and then they would have released the Defendant once they have documented that the Carbon Monoxide is out of Brian's system and thus Brian cannot repeat the conduct because sanity would be restored after the Carbon Monoxide Poisoning had left his system and verify that his home had corrected the issue concerning the Carbon Monoxide. There is one concern that the body-camera footage is usually disclosed in the media and the defense counsel can easily ask that it not be kept confidential under strict confidentiality so that it cannot be given to any media as a stipulation to protect Brian David Hill's privacy in the case. The stipulations could have easily been asked of the Court and the Commonwealth Attorney had failed to do so. So this is not a matter of whether it could have been abused or not, they could have reasonably asked the Court for stipulations to protect this evidence from being abused, no trouble at all. The Commonwealth did not want this footage to ever come out in a Court of Law. This is known as a “cover up”.

18. Evidence is usually covered up for a nefarious purpose. Innocent men do not cover their tracks. The Police had covered up evidence. Defendant voluntarily gave them permission to look at his camera, Brian David Hill covered up no evidence at all even at the risk of forfeiting his right to remain silent under Miranda rights. However, the Commonwealth Attorney covered up plenty of evidence, even more than the body-camera footage. The fourth ground of “Whether the spoliator acted in good or bad faith” and it is obvious that Glen Andrew Hall had acted in bad faith. It is clear that this spoliated/destroyed evidence could have been used to help clear Brian Hill's name from this horrible charge. They never explained why the body-camera footage should have been destroyed, the Court had ordered that the evidence be turned over and this action violates that Court Order, it is a contemptible offense. It isn't just potential evidence that was destroyed that may have

fallen through the cracks of the discovery order, the very evidence was DESCRIBED in the DISCOVERY ORDER. The order described the body-camera footage and the evidence matches the description given by the Court Order. It is not a good idea for an officer of the Court to defy a Court order. In fact he defied two Court Orders in the Circuit Court after the case was appealed. So he defied three Court Orders by refusing to turn over that evidence to inspection by the defense counsel and then destroyed the body-camera footage. All elements are met.

19. The case is getting so old, it has been dragged out because the Commonwealth Attorney Glen Andrew Hall had put up such a valiant resistance against Brian David Hill every step of the way, and he is one of the worst attorneys Brian had ever been prosecuted by besides Assistant U.S. Attorney Anand Prakash Ramaswamy who also destroyed evidence in his Federal Case. This attorney does not want Brian to have any relief or remedy. Many attorneys including private attorneys are scared of Glen Andrew Hall because of how dirty he conducts his business. Brian David Hill had met with 3 or 4 private attorneys in 2019 for free consultation (as Brian could have had his family operate an online legal fund to help get him a better lawyer) and all of them seem reluctant to fight to prove Brian's innocence without even examining the entire case. Pretty much all of them said they rather Brian withdraw his appeal without even looking at all of the records, without determining the witnesses and evidence. Even Attorney McPheeters was afraid as well. They acted like they were afraid to take on this attorney and tried to find excuses not to fight against him, like there is something going on behind the scenes, some fear that they do not want to cross this horrible lawyer. The attorneys were just afraid to fight against this Commonwealth Attorney. This made things more difficult for Brian David Hill to seek any justice. Nobody wants to push for a contempt proceeding against Glen Andrew Hall despite Brian's repeated requests over and over

again in January and/or February 2019 for the body-camera footage. Brian kept asking for it over and over again, yet nothing ever panned out.

20. There was also a situation where the Martinsville Police were with Brian at Sovah Hospital in Martinsville, Virginia on September 21, 2018 while Brian had suffered multiple high resting blood pulse readings over the level of 100 which are normally a sign of a serious heart issue or health concern. Sinus Tachycardia. Brian had blood drawn and multiple vials of his blood. Those blood vials disappeared after Brian was arrested while Brian assumed that the lab-work was conducted and Brian told Scott Albrecht about the blood vials when he was interviewed about his side of the story, that Brian Hill felt he was drugged with a narcotic or substance. However, Scott Albrecht refused to investigate the laboratory tests. By the time in 2019 that Brian was out of Jail and attempted to get access to his medical records from that night, there was no laboratory results and the blood vials aka biological evidence was destroyed without a valid explanation. Another cover up of good evidence. This evidence was also EXCULPATORY because it was drawn out of Brian at the Hospital after he was found naked at the Dick and Willie walking trail at night, after Brian was handcuffed, he was taken by ambulance to the Hospital with the Police with him. Officer Robert Jones was with Brian the entire time he was in a Hospital bed, when the blood vials were drawn. He even admitted under Oath in Federal Court on September 12, 2019, that he also assumed that the laboratory tests were done and said that they would normally be done but he never got access to Brian's medical records. Little did he know that the laboratory work ordered as COVERED UP, deleted from the chart without explanation? He lied and claimed that Brian was psychologically and medically cleared. He didn't even read Brian's medical records as admitted in Federal Court Transcript under **Exhibit 4**. He was asked by a Federal licensed Attorney Renorda Pryor if Officer Robert Jones knew that

Brian was diabetic, he said “no”. He was asked Officer Robert Jones if he knew that Brian had Obsessive Compulsive Disorder (OCD) and the officer seemed clueless. The officer was either part of the cover up or he was misled and the vials were destroyed. Either way, Officer Robert Jones screwed up charging Brian quickly but yet the Commonwealth Attorney did not even attempt to find or demand retention of these blood vials. In fact he rather they be destroyed as it may make things complicated for the simple indecent exposure misdemeanor charge. He rather Brian just be found guilty and keep fighting Brian for the rest of his life if Brian kept resisting through the Legal System. That way Glen Andrew Hall can take part in compelling Brian David Hill to pay legal fees out of his judgment proof SSI disability money, to commit an unlawful act of demanding federally protected money which is extortion and racketeering through the legal system, his little racketeering operation where he can charge Brian tens of thousands of dollars in legal fees the longer he fights this, he can keep punishing Brian over and over again until he is pushed into suicide then they can take his SSI money like a good RICO-statute violating criminal cartel or criminal enterprise corrupt racketeering scheme or something. It seems like this is like a racketeering operation through the criminal justice system and he can make as much money as he wants while destroying any evidence favorable to the defendants he persecutes. He knows a majority cannot afford good lawyers and they are screwed. It isn't constitutional to financially put somebody in debt over simply fighting for their Constitutional rights, it impedes a poor person's right to fight for Constitutional rights under the Due Process Clause.

21. It is quite clear that with the destruction of both the body-camera footage and the biological evidence both at the allowance of the Corrupt Commonwealth Attorney Glen Andrew Hall, that he will never present a fair and just prosecution. He had destroyed any and all evidence favorable to the ACTUAL INNOCENCE of Brian David Hill to the

charge of Virginia Code § 18.2-387, Indecent Exposure, in the City of Martinsville. Mr. Hall did this knowingly and intelligently.

22. It is quite clear that the General District Court or the Circuit Court should move to sanction Glen Andrew Hall, Esquire for contempt of court, as well as Scott Albrecht for refusing to enforce that Court Order and Scott Albrecht seemed like he didn't fight for retrieving the body-camera footage in writing and then inform the Court of such non-compliance with the Court Order. Scott Albrecht had colluded with the Commonwealth Attorney in not enforcing the Court Order and allowed the evidence to be destroyed on purpose. Both of them are guilty of allowing evidence to be destroyed that would benefit the Defendant in proving his innocence. Anything Brian writes on a pro se basis and mailed to the Police Department and/or the Commonwealth Attorney is usually forwarded to his court appointed attorney. Scott Albrecht knew that the Court Order was being violated, over and over again with Brian's multiple letters. Scott Albrecht knew that there was the existence of the body-camera footage and purposefully let the Commonwealth of Virginia destroy this footage knowing that it may have repercussions on both parties but the discolored lips is favorable to Brian David Hill. It would have proven that the Hospital had neglected to find out why Brian David Hill was not medically cleared and something was wrong with his mind and body at the time. Defendant and his entire family believes with enough cumulative evidence that it was prolonged exposure to CARBON MONOXIDE GAS POISONING in Brian's apartment in 2018. Pete Compton is a witness to that, which is at least one expert witness and one reasonable doubt necessary to have found Brian not guilty of his charge. Gas or drugs can do funny things to people's brains. As Brian is NOT a drug user, never has been, anybody could have given Brian a drug while out there at night on the Dick and Willie trail, even the road areas he took to walk there at night without letting his mother know, anybody

could have offered a drug or drugged him and made him have the very issues which led up to his arrest but not make him culpable to the charge as he was not responsible for what had happened. Carbon monoxide poisoning is a very serious mind twisting odorless gas and can make somebody do erratic or crazy things very easily. CO gas can make somebody hallucinate and have a psychosis.

EXHIBITS LIST

EXHIBIT #	PAGE #	DESCRIPTION
EXHIBIT 1	1-3	DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION
EXHIBIT 2	4-27	Copy of pro se motion for discovery with proof that Police Chief G. E. Cassady was mailed letters requesting police body-camera footage
EXHIBIT 3	28-29	One page excerpt of Document #163, Filed 12/12/18, Page 4 of 6, one page of Federal Court Affidavit/Declaration or written filing, Document #163. Case #1:13-cr-435-1.
EXHIBIT 4	30-111	FEDERAL COURT TRANSCRIPT of Supervised Release Violating hearing regarding the criminal charge of September 21, 2018, in General District Court. Officer Robert Jones of Martinsville Police Department had testified and thus is relevant to this MOTION.
EXHIBIT 5	112-114	COURT ORDER – GENERAL DISTRICT COURT

EXHIBIT 6	115-118	COURT ORDER – CIRCUIT COURT
EXHIBIT 7	119-122	COURT ORDER – CIRCUIT COURT
EXHIBIT 8	123-126	Article: Body Cameras Proving Useful for Martinsville Police; Wednesday, May 1st 2013; WSET/ABC13 NEWS
EXHIBIT 9	127-130	Interview and Interrogation of people with autism (including Asperger syndrome) By Dennis Debbaudt - EXPERT WITNESS
EXHIBIT 10	131-137	“DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC AND RELATED COMMUNICATION HANDICAPPED CHILDREN, Department of Psychiatry, University of North Carolina, DIAGNOSTIC EVALUATION”
EXHIBIT 11	138-139	Letter from “Dr. Shyam E. Balakrishnan, MD”.
EXHIBIT 12	140-146	PSYCHIATRIC EVALUATION from Dr. Conrad Daum in October, 2018
EXHIBIT 13	147-152	Information about Dr. Conrad Daum being a certified Forensic Psychiatrist
EXHIBIT 14	153-164	Case 1:13-cr-00435-TDS, Document #153, Filed 10/17/18, Pages 1 through 11; DECLARATION/AFFIDAVIT OF BRIAN DAVID HILL regarding what happened on September 21, 2018

It is clear that Glen Andrew Hall did not comply and former Attorney Scott Albrecht did not attempt to enforce the (#1) General District Court Order on November 28, 2018; (#2) Circuit Court Order on February 6, 2019, and (#3) Circuit Court Order on July 15, 2019. Glen Andrew Hall and Martinsville Police Department (client of the Commonwealth of Virginia who represents the Local Law Enforcement) did not comply with the **EXHIBIT 5 (EXHIBIT PAGES 112-114), EXHIBIT 6 (EXHIBIT PAGES 115-118), AND EXHIBIT 7 (EXHIBIT PAGES 119-122)** Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019. Defendant requests that this Court hold Glen Andrew Hall, Esquire in CONTEMPT and maybe even hold CONTEMPT PROCEEDINGS against him for spoliation of evidence requested from the Orders for Discovery Materials and allow further evidence to be shown and developed regarding such spoliation. Defendant is ready for showing the evidence of written correspondence and certified mail ever mailed, it is long overdue. Defendant is ready to demonstrate that Glen Andrew Hall should be held in contempt of court and recommendations to the Virginia State Bar for him to be disbarred from practice of law. Scott Albrecht was Brian David Hill's court appointed legal counsel all of the way until the body-camera footage was destroyed. So he was completely responsible for not enforcing those Court Orders ordered by the Court, and thus he is also presumed to be an accomplice to this spoliation of evidence, not Lauren McGarry and not Matthew Clark but Scott Albrecht who misled Brian David Hill and betrayed him and that was why Brian lost in General District Court. So both should be possibly sanctioned by this Court for wasting all of this time, wasting a lot of resources, causing all of these problems which cannot be undone. Degrading Brian's mental health, and deteriorating his mental and physical health.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS proving that Brian David Hill had Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive disorder at the time or around the time of his arrest on

September 21, 2018, and is relevant and/or material to the criminal charge against the Defendant.

Brian David Hill is innocent and should be adjudged Innocent from the STATEMENT OF FACTS showing that there was spoliation of evidence in violation of three Court Orders. One from the General District Court and the other two by the Circuit Court. Spoliation of evidence is proof that the case in chief by the Commonwealth of Virginia is a weak or unfounded one, that to his consciousness he rather win his case by any means necessary rather than play by the rules. He rather win than play fair. He should lose his case in chief for the destruction of evidence. Defendant has been up front and even if sometimes ranting or giving his opinion to the Commonwealth Attorney, he was upfront and honest about what had happened on September 21, 2018. He did the best he could to try to get the truth to be in the light in his criminal case. The Commonwealth Attorney Glen Andrew Hall made grave errors in the General District Court and Circuit Court. Spoliation of evidence including blood vials which is biological human evidence, it should be favorable to Brian David Hill the Defendant in this case, as further FACT of his ACTUAL INNOCENCE. Innocent men and women don't destroy evidence. That is a fact. Glen Andrew Hall and Martinsville Police Department both ignored Brian's letters asking Police Chief G. E. Cassady for the body-camera footage. It doesn't matter that they can ignore his pro se letters because Brian had an appointed lawyer. It doesn't matter because the COURT ORDERED the evidence and things like the body-camera footage or videos to be disclosed to the defense counsel. So they have violated the Court Orders, they cannot make the excuse that ignoring Brian Hill's letters to the Police Chief asking for the body-camera footage was rightful due to him having a lawyer when the Courts have ordered such evidence be retained or turned over to the defense lawyer or defense team. Therefore, Glen Andrew Hall has knowingly destroyed evidence and refused to turn over the body-camera footage as requested in Brian's letters to the Police Chief and as asked by Court Orders. Again, See **Exhibits 2 and 3.**

Therefore, the Defendant prays that this Honorable Court order the following:

1. That the Circuit Court declare or make a factual finding (after an evidentiary hearing) that Glen Andrew Hall, Esquire were in Contempt of Court for spoliation of evidence and refusal to turn over evidence to Defendant or his Legal Counsel as to the Court Orders dated November 28, 2018, February 6, 2019, and July 15, 2019;
2. That the Circuit Court consider a sanction or sanctions against Glen Andrew Hall by entering Judgment of Acquittal and acquitting Brian David Hill of his original charge of Indecent Exposure under Virginia Code § 18.2-387 for the prosecution's violation of the multiple Court Orders destroying evidence which would have led to the automatic acquittal of Brian David Hill whether in Martinsville's General District Court or in Trial De Novo in the Circuit Court for the City of Martinsville;
3. That the Circuit Court consider vacatur of the wrongful conviction dated November 18, 2019, and consider dismissing this case against Brian David Hill with prejudice as the damage of spoliation can never be undone and thus these permanent evidence destruction issues only warrant case dismissal with prejudice for good with any and all charge(s) dropped;
4. That the Circuit Court consider the newly admissible evidence of Brian David Hill's diagnoses of Autism Spectrum Disorder, Psychosis, and Obsessive Compulsive Disorder in regards to the INTENT element of the charge against Defendant to further consider that Brian David Hill is innocent of his charge which was filed on September 21, 2018;
5. That the Circuit Court consider filing a declaration or judgment of the Innocence of Brian David Hill or file an order of Judgment of Acquittal of Brian David Hill, whichever is proper;

6. That the Circuit Court waive and discharge any and all pending legal fees ever taxed or ordered against Defendant if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
7. That the Circuit Court waive and discharge any and all pending legal fees ever owed by the Defendant pursuant to all legal matters and cases that had begun from the original charge and prosecution on September 21, 2018, if the Circuit Court had determined that Defendant is innocent and thus should not be held to pay any fees or fines or any protected SSI disability money since Defendant is innocent;
8. That the Circuit Court consider providing any other relief or remedy that is just and proper, in the proper administration of justice and integrity for the Court.

Respectfully submitted with the Court, This
the 20th day of January, 2022.


Signed

Brian D. Hill

Brian D. Hill
Defendant

Former news reporter of U.S.W.G.O. Alternative News
Ally of Q
310 Forest Street, Apartment 2
Martinsville, Virginia 24112
(276) 790-3505



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CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

Page **43** of **45**

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the Internet) or delivered this 20th day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: ahall@ci.martinsville.va.us	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: apritchett@vacourts.gov
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation

Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.


Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

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U.S.W.G.O.



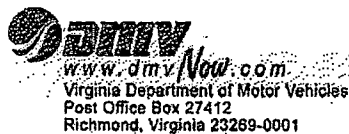
EXHIBIT 1
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



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DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION

MED 10 (02/17/2011)

Purpose: Use this form to apply for a disabled parking placard or disabled parking license plates.

Instructions: Submit to any Customer Service Center, DMV Select or mail to DMV, Data Integrity, P.O. Box 85815, Richmond, VA 23285-5815.

- For a parking placard, submit this form with a \$5.00 check or money order payable to DMV. Placard will be mailed to you in approximately 15 days. Only one placard may be issued to a customer.
- For disabled parking license plates, submit this form, a License Plate Application (VSA 10) and applicable fees.

DISABLED PARKING PLACARD ONLY (Disabled parking placard hangs from the rearview mirror.)			
CHECK ONE			
PERMANENT (5 years)	PERMANENT REPLACEMENT (5 years)	TEMPORARY (up to 6 months)	TEMPORARY REPLACEMENT
<input checked="" type="checkbox"/> Original (medical professional certification required)	<input type="checkbox"/> Lost	<input type="checkbox"/> Stolen	<input type="checkbox"/> Original
<input type="checkbox"/> Renewal (No medical professional certification required.)	<input type="checkbox"/> Destroyed	<input type="checkbox"/> Mutilated	<input type="checkbox"/> Lost
	<input type="checkbox"/> Reissue		<input type="checkbox"/> Stolen
			<input type="checkbox"/> Destroyed
			<input type="checkbox"/> Mutilated
			<input type="checkbox"/> Reissue

DISABLED PARKING (HP) LICENSE PLATES ONLY			
ORIGINAL PLATES	DUPLICATE	REISSUE	
<input type="checkbox"/> Complete and submit form VSA 10	<input type="checkbox"/> Lost	<input type="checkbox"/> Unreadable (License plate letters or numbers unclear)	<input type="checkbox"/> Check this box if this vehicle is specifically equipped and used for transporting groups of physically disabled persons.
	<input type="checkbox"/> Destroyed	<input type="checkbox"/> Never received license plates	

VEHICLE IDENTIFICATION NUMBER (VIN)	TITLE NUMBER
-------------------------------------	--------------

☐ I am the vehicle owner and the parent/legal guardian of a disabled dependent(s). List the name of each disabled person below.

APPLICANT INFORMATION					
FULL LEGAL NAME (last)	(first)	(middle)	(suffix)	DMV ASSIGNED NUMBER OR SOCIAL SECURITY NUMBER	
HILL	BRIAN	DAVID			
CURRENT RESIDENCE ADDRESS	<input checked="" type="checkbox"/> Check here if this is a new address.		CITY	STATE	ZIP CODE
310 Forest St., Apt. 2			Martinsville	VA	24112
CITY OR COUNTY OF RESIDENCE			DAYTIME TELEPHONE NUMBER OR CELL PHONE NUMBER		
Martinsville			276-790-3505		
MAILING ADDRESS (if different from above)	CITY	STATE	ZIP CODE		
BIRTH DATE (mm/dd/yyyy)	GENDER	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE			FT IN	LBS

APPLICANT CERTIFICATION	
<p>I understand that misuse, counterfeiting, or alteration of disabled placards may result in fines up to \$1000. and up to 6 months in jail and/or revocation of disabled parking privileges. I certify that I have a (check one): <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Permanent disability that limits or impairs my ability to walk or creates a safety concern while walking.</p> <p>I also understand that the disabled parking placard or plates issued to me cannot be loaned to anyone, including family members or friends, to benefit a person other than myself.</p> <p>I further certify and affirm that all information presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.</p>	
APPLICANT SIGNATURE	DATE (mm/dd/yyyy)
Brian D. Hill Signed	08/18/2016

LICENSED PHYSICIAN/PHYSICIAN ASSISTANT/NURSE PRACTITIONER MEDICAL CERTIFICATION			
(This section does not have to be completed to renew permanent placards.)			
<input checked="" type="checkbox"/> Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.			
<input type="checkbox"/> Temporarily limited or impaired beginning in the month of _____ and ending in the month of _____ (not to exceed 6 months).			
Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (check below)			
<input type="checkbox"/> Cannot walk 200 feet without stopping to rest.		<input checked="" type="checkbox"/> Has been diagnosed with a mental or developmental amnesia or delay that impairs judgment including, but not limited to, an autism spectrum disorder.	
<input type="checkbox"/> Uses portable oxygen.		<input type="checkbox"/> Has been diagnosed with Alzheimer's disease or another form of dementia.	
<input type="checkbox"/> Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.		<input type="checkbox"/> Is legally blind or deaf.	
<input type="checkbox"/> Has a cardiac condition to the extent that functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.		<input type="checkbox"/> Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.	
<input type="checkbox"/> Is restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.			
<input type="checkbox"/> Is severely limited in ability to walk due to an arthritic, neurological, or orthopedic condition.			
I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.			
I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.			
MEDICAL PROFESSIONAL NAME		OFFICE TELEPHONE NUMBER	OFFICE FAX NUMBER
SHYAM BALAKRISHNAN		(276) 870 3300	(276) 634-0362
LICENSE TYPE	LICENSE NUMBER (required)	STATE ISSUING LICENSE (required)	LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)
MD	[REDACTED]	VA	[REDACTED]
MEDICAL PROFESSIONAL SIGNATURE			DATE (mm/dd/yyyy)
[REDACTED]			8/31/16

LICENSED CHIROPRACTOR OR PODIATRIST MEDICAL CERTIFICATION			
(This section does not have to be completed to renew permanent placards.)			
<input type="checkbox"/> Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.			
<input type="checkbox"/> Temporarily limited or impaired beginning in the month of _____ and ending in the month of _____ (not to exceed 6 months).			
Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (Checked below)			
<input type="checkbox"/> Cannot walk 200 feet without stopping to rest.		<input type="checkbox"/> Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.	
<input type="checkbox"/> Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.			
<input type="checkbox"/> Is severely limited in ability to walk due to an arthritic, neurological or orthopedic condition.			
I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.			
I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.			
MEDICAL PROFESSIONAL NAME		OFFICE TELEPHONE NUMBER	OFFICE FAX NUMBER
		()	()
LICENSE TYPE	LICENSE NUMBER (required)	STATE ISSUING LICENSE (required)	LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)
MEDICAL PROFESSIONAL SIGNATURE			DATE (mm/dd/yyyy)

DMV USE ONLY			
PLATE/PLACARD NUMBER	PLACARD EXPIRATION DATE (mm/dd/yyyy)	EMPLOYEE STAMP	
CUSTOMER CREDIT CARD NUMBER	CREDIT CARD EXPIRATION DATE (mm/yyyy)	FEE COLLECTED	

EXHIBIT 2
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

VIRGINIA:
IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,

Plaintiff,

V.

BRIAN DAVID HILL

Defendant,

Criminal Action No. CR19000009-00

Motion for Discovery

Motion for Discovery

Pursuant to Rule 4:1 of the Virginia Rules of the Supreme Court and U.S. Supreme Court decision of *Brady v. Maryland*, 373 U.S. 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963, criminal Defendant Brian David Hill (“Brian”, “Hill”) would like to request that the Commonwealth Attorney (“CA”) be compelled to provide discovery materials to Defense counsel which are both material and relevant to the case. That is for the jury trial for the charge of “indecent exposure” as defined in Virginia Code § 18.2-387. The jury trial is scheduled for August 30, 2019, unless the court considers changing the date for any reason including but not limited to expert witnesses and a mental evaluation to determine sanity at the time of the offense.

Hill and/or his family have attempted to contact Martinsville Police Department (“CC: Commonwealth Attorney”) through written multiple correspondences asking for the body camera footage of Officer Sgt. R. D. Jones, by Hill writing the Martinsville Chief of Police G. E. Cassady asking for the body-camera footage to be turned over to

Brian's defense counsel (*Note: Attorney Scott Albrecht, at the time*) as pertinent to Virginia discovery requirements.

Evidence of attempting to request the police-body-camera footage of September 21, 2018, are made in the following Exhibits:

Exhibit 1) 2-Page U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #4 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 30, 2019, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 2) Photocopy of 1-Page letter from Brian David Hill to the Martinsville Police Chief dated January 19, 2019 while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. Also the second page of this Exhibit is a 1-page photocopy of the mailing envelope with mailing label before it was delivered to the prison Mail Room, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 3) 1-Page of U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #8 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 22, 2019 with

the original letter before the photocopy of that same discovery letter was mailed at a later time (See Exhibit 1). The prison treated the mailing as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 1-page.**

Exhibit 4) 3-Page letter to the Martinsville Chief of Police, was typed up and mailed to them by Brian David Hill's grandparents. Noted: January 19, 2019 (Typed letter March 13, 2019), "Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady", "CC: Commonwealth Attorney, Case no C18-3138,". Note: The Defendant will be looking for the return receipt to see if it can be located in the pile of papers in the multiple boxes full of legal papers, so that the court will have proof of receipt if necessary. Total of 3-pages.

Exhibit 5) A 2-page news article titled "Body Cameras Proving Useful for Martinsville Police | WSET". It proves that since 2013, Martinsville Police Department records body-camera footage of incidents. That may include recording of Brian David Hill on September 21, 2018, and any statements that he had made in regards to a "man wearing a hoodie" and may be useful in proving that Brian David Hill was not acting right at the time which would help prove that he was under carbon monoxide poisoning. **Total of 2-pages.**

Total evidence of 10 pages of five (5) Exhibits, 5 additional pages for the Exhibit page markers. 15 pages attached to this letter.

ANALYSIS:

From the Virginia Supreme Court rules document:

"The parties have a duty to seasonably supplement and amend discovery responses

pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.”

Since Defendant has sent two letters with “CC: Commonwealth Attorney, Case no. C18-3138,” and family sent one typed letter asking for the police body-camera footage for Hill's case, it is clear that Hill had made a good faith effort to explain to the prosecution and the Police Department that the body-camera footage of what had happened on September 21, 2018, was needed for discovery purposes for the case. The old case number for the General District Court case was referenced because Hill did not know the Circuit Court case number at the time he was sending those letters, but that case number is the very same case number of what was appealed. No responses were ever found or noted. As far as Hill is concerned, there are no responses to his discovery requests. Hill had mailed a copy of the letter (Exhibit 2) to Scott Albrecht while he was still Hill's counsel of record at the time. Attorney Scott Albrecht never informed Hill as to whether or not the body-camera footage was turned over to defense counsel. Therefore no responses are noted and no responses exist in regards to Hill's two attempts to ask for the body-camera footage and Hill's families one attempt in a typed letter asking for the body-camera footage. Three written attempts have been made asking for the body-camera footage this year, in a request to Martinsville Police Department and “CC: Commonwealth Attorney”.

It is clear that Brian David Hill as Defendant is entitled to the police body-camera footage pursuant to Rule 4:1 of the Supreme Court Rules for Virginia Courts as well as Brady v. Maryland case law from the U.S. Supreme Court (law of the land) which also applies to state courts, and any other rule or statute for the discovery process.

Also Hill would like to request from the Commonwealth Attorney and from Martinsville Police Department, that Hill's defense counsel get access to any blood-work or blood samples taken from Hill while he was at Sovah Hospital on September 21, 2018, before he was arrested. This includes any laboratory results, blood vials taken at the time of Hill's arrest, blood samples taken at the time of Hill's arrest, etc etc. Blood was clearly taken from Hill while he was at the Hospital, but since he was arrested, the Hospital likely would have given the blood drawn to the Police for conducting their own laboratory tests including but not limited to possible drugs.

Last page of Exhibit 10 in the evidence Exhibits which were attached to Brian's filed pro se Motion (Seq. # 22, filed 07/19/2019, evidence attached to this filing was filed on 07/22/2019 after being given to Clerk's office) for Defense of Mental Insanity "INSANITY DEF-FILED BY DEF", shows that laboratory results were ordered but later deleted from the chart and then Hill was released to Martinsville City Jail as stated in the medical records. Because Hill was escorted there with law enforcement, the Hospital likely had given the blood vials to the Martinsville Police Department to conduct their own laboratory work. That would mean a possibility that the Police Department has the blood samples, and the blood vials are likely in evidence storage for the indecent exposure investigation. Those are also subject to discovery for defense counsel. The blood vials are needed to conduct laboratory tests to find evidence of Carbon Monoxide poisoning in the blood with a lab test of "carboxyhemoglobin" which would prove that Carbon Monoxide was in the blood of Brian David Hill during the time of the alleged offense on September 21, 2018. Hill had asked Attorney Scott Abrecht, after he had turned himself in (Seq. #15, 05/30/2019, "HILL TURNED HIMSELF IN") to find the laboratory results but Hill later learned from his family that the Commonwealth Attorney didn't have the laboratory results, but the Commonwealth

Attorney never said anything to Scott Albrecht about the blood vials and blood-work that was drawn while Hill was at the hospital. So the blood vials may still exist as evidence and may be retained by Martinsville Police Department due to Sovah Hospital's policy in regards to a patient that is escorted by law enforcement or was with law enforcement.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for Discovery and compel the Commonwealth Attorney and Martinsville Police Department (who the Commonwealth represents) to turn over the evidence of the body-camera footage (*as noted above*) to Defense counsel, and the blood-work and/or blood-vials of Brian David Hill (*at the time he was arrested*) to Defense counsel. That the Court order all discovery evidence that the Commonwealth Attorney and Martinsville Police Department has withheld be turned over to Defense counsel As Soon As Possible.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order compelling discovery materials be turned over to Defense Counsel in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26th day of July, 2019.

Signed, Brian D. Hill
Signed
 Brian D. Hill (Pro Se)
 Phone #: 276-790-3505
 310 Forest Street, Apartment 1
 Martinsville, Virginia 24112

U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

Qanon

Brian D. Hill asks President Donald John Trump and QANON for help.

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill
Signed

Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

U.S.W.G.O.

Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com

Qanon

Brian D. Hill asks President Donald John Trump and QANON for help.

Exhibit 1

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Mailing Log 2019 U.S.W.G.O. Brian David Hill #29947-057

Federal Correctional Institution # Butner, N.C.
Old N.C. Hwy 75 - P.O. Box 1000 - 27509

#1	4pg	Jason McMurray, Western Dist. of Virginia, U.S. Probation Office, 210 Franklin RD SW, Roanoke, VA 24011 01/25/2019
#2	4pg	Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/28/2019
#3	10pg	Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206, Martinsville Circuit CRT, Martinsville, VA 24114-1206, US 01/28/2019
#4	2pg	Chief of Police, Police of Martinsville, Martinsville VA Police, 55 West Church St, Municipal Building, Martinsville, VA 24112 US 01/30/2019
#5	5pg	Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/31/2019
#6	1pg	Law Office of Marcia G. Shein (Attorney), Marcia G. Shein, 2392 N Decatur RD, Decatur, GA 30033, US 02/01/2019
#7	1pg	Law Offices of Alan Ellis (Attorney), Alan Ellis, 271 Madison Ave 20th Floor, New York, NY 10016, US 02/04/2019
#8	4pg	ATTN: National Security Council, The White House, Exe. Office of President, 1600 Pennsylvania Ave, NW, National Security Council, Washington, DC 20005, US 02/04/2019, Letter Feb. 3 2019
#9	3pg	Clerk Of The Court, 210 Franklin RD SW, U.S. District Court, Roanoke, VA 24011, US 02/06/2019
#10	1pg	Office Of The Clerk, Middle Dist North Carolina, 324 W Market St, U.S. District Court, Ste. 1, Greensboro, NC 27401-2513, US 02/07/2019
#11	5pg	ATTN: National Security Council. Same mailing address as #8 02/14/2019

- #1. 2-page letter to U.S. Probation Officer Jason McMurray, Copy of 1-page letter to Chief of Police dated January 19th, 2019 and Copy of 1-page letter to Chief of Police dated January 20th, 2019.
- #2. 4-page letter to Alexandria Veletsis dated January 26, 2019.
- #3. 3-page Testimony of Brian David Hill - Declaration and 3-page copy for Commonwealth Attorney; 2-page Notice of Additional Evidence and 2-page copy dated Jan 28, 2019, for Commonwealth Attorney. Testimony dated January 27, 2019.
- #4. copy of 1-page letter to Chief of Police dated January 20, 2019; and copy of 1-page letter to Chief of Police dated January 19, 2019.
- #5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.) dated January 26, 2019; Copy of 1-page letter personally delivered to Bernie Maidoff delivered 5:35PM January 30, 2019.
Certified mail tracking number: 7018 1130 0000 8936 6290
- #6. 1-page letter to Attorney Marcia G. Shein dated February 1, 2019.
- #7. 1-page letter to Attorney Alan Ellis dated February 1, 2019.
- #8. 4-page letter to the National Security Council dated February 3, 2019.
Certified Mail tracking number: Feb. 3 7018 1130 0000 8936 6320
- #9. 1-page Motion to Request Transcripts, 1-page Certificate of Service, and 1-page letter to the Clerk of the Court dated February 6, 2019.
- #10. 1-page Docket Report request letter to Clerk of the Court dated February 7, 2019.
- #11. 4-page letter to National Security Council dated February 13, 2019. 1-page photocopy of Request to Staff dated 02/13/2019 06:49:30PM. Certified Mail tracking no. 7018 1130 0000 8936 6306

Exhibit 2

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Dear Chief of Police of Martinsville Police Dept,
 CC: Commonwealth Attorney, Case no. C18-3138,
 55 West Church Street,
 Municipal Building,
 Martinsville, VA 24112,

Martinsville Circuit Court case
 Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S., Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September ~~20~~ 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill

Signed

Brian David Hill #29947-057

Federal Correctional Institution 1
 Old NC Hwy 75; P.O. Box 1000
 Butner, N.C. 27509

JusticeForUSWGO.wordpress.com
 U.S.W.G.O.

Dated January 19, 2019.
 P.S. Brian Hill has Autism
 Spectrum Disorder in DMV
 handicap placard records.

Brian David Hill #29947-057

Name: Number:
Federal Correctional Institution 1
P.O. Box 1000
Butner, NC 27509

Chief of Police

⇨ 29947-057 ⇨

Police Of Martinsville
Martinsville VA Police
55 W Church ST
Municipal Building
Martinsville, VA 24112
United States



LEGAL MAIL

314

Exhibit 3

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MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

FCI², Butner, N.C.
 Brian David Hill #29947-057

Mailing Log 2019 U.S.W.G.O.

Brian David Hill #29947-057

Federal Correctional Institution¹, Butner, N.C.

- | | | |
|-----|-----|--|
| #1 | 1pg | ↔29947-057 ↔ Federal Building, 324 W Market St
Suite 1, Greensboro, NC 27401-2513, US 01/14/2019
Clerk of the Court - 01/26/2019 01-14-2019 |
| #2 | 2pg | Hon Ashby Pritchett, Clerk of the Court PO Box 1206,
Martinsville Circuit CRT, Martinsville, VA 1206, US
01/14/2019 |
| #3 | 2pg | Scott Albrecht Public Defender Office, 31 P.O. Drawer,
Martinsville, VA 24114 US - 01/15/2019 01/18/2019 |
| #4 | 2pg | Clerk of the Court, U.S. District Court, Federal Building, 324
W Market St Suite 1, Greensboro, NC 27401-2513,
US 01/18/2019 |
| #5 | 2pg | Office of VA Attorney General, 202 N 9TH ST
Virginia Attorney General, Richmond VA 23219 US
01/17/2019 - 7018-1130-0000-8936-6214 Certified |
| #6 | 2pg | Administra Office Of Us Courts Admin. Office of US
Courts 1 Columbus CIR NE Probation Oversight Branch,
Washington, DC 20002 US [Urgent] 01/17/2019 |
| #7 | 4pg | Clerk of the Court, 210 Franklin Rd SW, U.S. District Court,
Roanoke VA 24014 US 01/18/2019 |
| #8 | 4pg | Chief of Police, Police of Martinsville, 55 W Church ST,
Municipal Building, Martinsville, VA 24112 US 01/22/2019 |
| #9 | 4pg | U.S. Federal Courthouse, Hon. Judge Joe Webster, Magistrate 323 E Chapel
Hill ST, Room 2, Durham, NC 27701-3351, US 01/24/2019 |
| #10 | 4pg | Anand P Ramaswamy, AUSA United States Attorney, 101 S Edgeworth ST
4th Floor, Greensboro NC 27401, US 01/24/2019 |
| #11 | 2pg | Attorney Scott Albrecht, Public Defender Office, 31 P.O. Drawer,
Martinsville, VA 24114 US 01/24/2019 |

Exhibit 4

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MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Regards,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509
JusticeForUSWGO.wordpress.com USWGO

(Letter 1)

January 20, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Department: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

There are more facts that must be known about me in this case which involve my mental/neurological disability/handicap of Autism Spectrum Disorder. The man that had threatened to kill my mother Roberta Hill if I didn't get naked and take pictures of myself is a form of verbal sexual abuse similar to a pedophile threatening a kid to get naked. I almost would have gotten sexually taken advantage of by an inmate named Crutchfield while I'm being evaluated mentally here meaning, I would have been raped if other inmates with life sentences had not taken up for me and protected me that are against rape. Research on Google that people with Autism are more likely to be verbally and physically sexually abused. The man wearing the hoodie wanted to take advantage of me. Please contact Renetta Craighead of Piedmont Community Services and REACH. They will explain to you about my condition. I never should have been arrested and should have been placed in witness protection. This case should be dismissed. I am Innocent. Thank you.

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

Caretaker: Roberta Hill:
276-790-3505, 276-224-7373
Kenneth Forinash, U.S.A.F:
276-632-2599, 276-224-4527

Brian David Hill #29947-057
Federal Correctional Institution
Old NC Hwy 75; PO Box 1000
Butner, NC 27509

Copy of note mailed with letter dated January 19, 2019

**Chief of Police and Commonwealth Attorney in Martinsville,
VA,**

Please acknowledge receipt of letters. Please write response.

Thank you

Brian D. Hill

God bless you!

**Note: In a week of no response, I will assume that it was lost
and mail another copy. Thanks.**

**Note from Brian's grandparents. Brian wrote this on
January 19, 2019 and January, 20, 2019. He received no
response, He sent it again and received no response a week
later. After waiting almost two months, his grandparents
will have to go to the post office and send this out return
receipt requested. You also should know that Brian has
been on disability since the age of 19 months; has brittle
diabetes requiring insulin shots, has seizures, autism, anxiety
and OCD. His actions that night were not normal. He was a
victim who was arrested and sent to jail by the police who
are supposed to protect its citizens and disabled. Brian's
mom and grandparents were at the trial and noticed the
prosecuting attorney making derogatory comments and
making fun of this disabled citizen of Martinsville in front of
his family and many other people in the court room.**

*Brian, We are also sending a copy
of the 3 page disabled parking placard
with your disability (autism) &
your name & address with this letter to chief of Police*

Exhibit 5

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Qanon **U.S.W.G.O.** Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
“Motion for Discovery”

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA



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Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven themselves.

Even on a very routine call, every word spoken and every movement taken will be captured clearly.

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man

FILED IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF THE
MARTINSVILLE CIRCUIT COURT

DATE: 07/26/2019 @10:59:43

TESTE: Jennifer C. Coplin
CLERK DEPUTY CLERK

EXHIBIT 3
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism, I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R. D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth.

When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(20) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.

EXHIBIT 4
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

3 UNITED STATES OF AMERICA)
)
4 vs.)
)
5 BRIAN DAVID HILL) CASE NO. 1:13CR435-1
) Winston-Salem, North Carolina
) September 12, 2019
) 3:37 p.m.

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7
8 TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**
9 BEFORE THE HONORABLE THOMAS D. SCHROEDER
 UNITED STATES DISTRICT JUDGE

10
11 APPEARANCES:

12 For the Government: ANAND RAMASWAMY, AUSA
 Office of the U.S. Attorney
13 101 S. Edgeworth Street, 4th Floor
 Greensboro, North Carolina 27401

14
15 For the Defendant: RENORDA E. PRYOR, ESQ
 Herring Law Center
16 1821 Hillandale Road, Suite 1B-220
 Durham, North Carolina

17
18 Court Reporter: BRIANA L. BELL, RPR
 Official Court Reporter
19 P.O. Box 20991
 Winston-Salem, North Carolina 27120

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1 P R O C E E D I N G S

2 (The Defendant was present.)

3 **THE COURT:** All right. Mr. Ramaswamy, good
4 afternoon, sir.

5 **MR. RAMASWAMY:** Good afternoon, Your Honor. The
6 Government calls for hearing on a supervised release violation
7 United States versus Brian David Hill in 1:13CR435-1,
8 represented by Ms. Pryor.

9 **MS. PRYOR:** Good afternoon, Your Honor.

10 **THE COURT:** Good afternoon, Ms. Pryor. How are you?

11 **MS. PRYOR:** I'm wonderful, Your Honor. Thank you.

12 **THE COURT:** Mr. Hill, good afternoon to you.

13 Mr. Alligood and Mr. McMurray are here from the
14 Western District of Virginia, welcome, here on behalf of
15 Probation.

16 We're here today because the petition and the
17 supplemental report allege that Mr. Hill violated the terms of
18 supervision.

19 Did you receive a copy of the petition and the
20 supplement?

21 **MS. PRYOR:** We did, Your Honor.

22 **THE COURT:** Have you reviewed those with your client?

23 **MS. PRYOR:** I have, Your Honor. And Mr. Hill is
24 actually requesting a continuance of this matter today, Your
25 Honor. I believe it was -- I won't said filed because we don't

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1 have an actual clerk's office here, but I think he did provide
2 it on I believe the 8th floor, Your Honor, and because of the
3 time that he drafted it, it seems like last night, he didn't
4 have an opportunity to file it. So he did provide it to me, a
5 copy, today.

6 He's asking for a continuance because his matter in
7 state court was actually -- his appeal hearing was continued to
8 December 2. It was in order -- the first hearing that he had,
9 I believe he -- his attorney was released from that. He has a
10 new attorney in state court, and so they continued it out to
11 December 2.

12 And so Mr. Hill is asking, based on his rights here,
13 that he would like for his hearing to be heard -- in
14 Martinsville, Virginia, to be heard before this hearing today.

15 **THE COURT:** So explain to me exactly what is set for
16 hearing in Virginia.

17 **MS. PRYOR:** So, Your Honor, he was found guilty of
18 indecent exposure in Martinsville, Virginia. He appealed that
19 matter. That matter was scheduled for --

20 **THE COURT:** Let me stop you.

21 **MS. PRYOR:** I apologize, yes.

22 **THE COURT:** So he's found guilty in the trial court?

23 **MS. PRYOR:** He was found guilty at trial, yes, Your
24 Honor.

25 **THE COURT:** So he's appealed it to whom?

1 **MS. PRYOR:** He's appealed it to their -- which would
2 be their next level, which would be their superior court. In
3 that case, when he went to court on -- I think that was two
4 weeks ago, they continued that matter to December 2 to be heard
5 at that time, and he now has a new attorney.

6 **THE COURT:** And what's the nature of that appeal?

7 **MS. PRYOR:** It is the underlining matters that are
8 here on this case.

9 **THE COURT:** I understand. Is it a de novo review, or
10 is it an appeal?

11 **MS. PRYOR:** It would be a de novo review, Your Honor.

12 **THE COURT:** All right. What was he found guilty of?

13 **MS. PRYOR:** He was found guilty of the charges that
14 he's here for today, Your Honor, which was in violation of
15 indecent exposure. I think it's 137 -- I think it's 20-137,
16 which is indecent exposure. It is a misdemeanor, Your Honor.

17 **THE COURT:** According to the petition, it's Virginia
18 Code 18.2-387.

19 **MS. PRYOR:** I apologize, Your Honor. That's correct.

20 **THE COURT:** All right. Okay. Anything else on that?

21 **MS. PRYOR:** That's it, Your Honor. And then, of
22 course, you know, Your Honor, if you would not continue it,
23 we're prepared to proceed.

24 **THE COURT:** Well, I've also reviewed apparently today
25 a pro se emergency notice of interlocutory appeal. Are you

1 aware of that?

2 **MS. PRYOR:** That's what I actually have, Your Honor,
3 and I was referencing it as a continuance. Your Honor, I did
4 receive that. I believe it might be couched in the wrong -- in
5 what he's requesting. So, Your Honor --

6 **THE COURT:** This one says he's appealing to the
7 Fourth Circuit; is that not right?

8 **MS. PRYOR:** That is correct, Your Honor.

9 **THE COURT:** What he's appealing?

10 **MS. PRYOR:** Your Honor, he is appealing --

11 **THE COURT:** I haven't ruled yet.

12 **MS. PRYOR:** I know, Your Honor.

13 **THE COURT:** Okay. All right.

14 Mr. Ramaswamy?

15 **MR. RAMASWAMY:** As to this -- addressing this motion
16 --

17 **THE COURT:** Which "this"?

18 **MR. RAMASWAMY:** I'm sorry. There's no file number on
19 it, but the petition for notice of interlocutory appeal, it
20 would appear to the Government he's appealing Document 183,
21 that's in the second paragraph, which is the Court's order on
22 the motion to continue. That was a motion to continue by the
23 defense, which the Court granted and the Government didn't
24 oppose. So it would appear Mr. Hill's attempting pro se to
25 appeal an order that was in the Defendant's favor.

1 **THE COURT:** Hold on just a minute.

2 (Pause in the proceedings.)

3 **THE COURT:** Okay. What's your position on the other
4 motion? They want to continue this because he's appealing
5 Virginia -- the court's -- the trial court's determination.

6 **MR. RAMASWAMY:** I don't believe there is a motion --
7 unless it's one made orally, there is a motion to continue.

8 **THE COURT:** Do I have a written one?

9 **MS. PRYOR:** You do not have a written one, Your
10 Honor. That was an oral motion just now, Your Honor. That's
11 correct.

12 **THE COURT:** What's your view on that?

13 **MR. RAMASWAMY:** We would oppose, Your Honor. The
14 officer is here under subpoena. The Defendant is here. The
15 supervising officer is also here from Martinsville, Virginia.

16 **THE COURT:** Let me ask a question. When did the
17 court in Virginia rule?

18 **MS. PRYOR:** Your Honor, do you mind if I get a second
19 just to ask that question?

20 **THE COURT:** That's fine. I am going to want to know
21 when he took the appeal, too.

22 **MS. PRYOR:** Okay. Yes, Your Honor.

23 (Ms. Pryor conferred with the Defendant.)

24 **MS. PRYOR:** I apologize. Thank you, Your Honor.

25 Your Honor, he actually was found guilty on

1 December 21 of 2019. He filed a pro se appeal on December 21,
2 but it was mailed, so they did not have it couched as a pro se
3 appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I
4 apologize.

5 **THE COURT:** Okay. And then when was that scheduled
6 for hearing?

7 **MS. PRYOR:** Well, Your Honor, when he did have the
8 first hearing, they then -- he, of course --

9 **THE COURT:** When was the appeal scheduled to be
10 heard, the original?

11 **MS. PRYOR:** Oh, the original, it was not scheduled
12 until May and then -- that's only because he went off -- and I
13 know that's probably longer than what you are asking me for,
14 but they sent him to Butner for competency. He came back in
15 May. They did couch the first hearing for May, and then they
16 continued that one because he released that attorney. And then
17 in July, he had a hearing, which is the one that you gave us
18 permission to continue to this date for that hearing, but then
19 that hearing was then rescheduled. He has another attorney who
20 is going to be handling that hearing on December 2.

21 **THE COURT:** Okay. Well, the motion is denned. The
22 standard before this Court on a potential revocation of a
23 petition is a preponderance standard, which is a different
24 standard. So even if he were found not to be guilty beyond a
25 reasonable doubt in a criminal court, that would not

1 necessarily preclude this Court from finding him guilty on a
2 preponderance basis because that's the burden of proof. So it
3 is also a late-blooming motion, so on timeliness grounds as
4 well, I am going to deny the motion.

5 **MS. PRYOR:** Thank you, Your Honor.

6 **THE COURT:** All right. I read this emergency
7 petitioner's notice of interlocutory appeal. To the extent
8 that's even pending before me, it's not an impediment to my
9 moving forward. He's purporting to appeal an order that, as
10 the Government says, was one I granted in his favor, extending
11 him more time to proceed. So he's not been harmed by that
12 order, but, in any event, it's interlocutory.

13 So are you prepared to proceed?

14 **MS. PRYOR:** Yes, sir.

15 **THE COURT:** Did you say you reviewed the petition and
16 the supplement with your client?

17 **MS. PRYOR:** I did review it with him, yes, Your
18 Honor.

19 **THE COURT:** Do you have access to his original
20 presentence report?

21 **MS. PRYOR:** I do, Your Honor.

22 **THE COURT:** And are you confident that he understands
23 the charges pending against him?

24 **MS. PRYOR:** I am confident that he understands the
25 charges that are here today.

1 **THE COURT:** All right. Mr. Hill, I need to speak
2 with you for a moment, if you would stand, please, sir.

3 How are you this afternoon?

4 **THE DEFENDANT:** I'm all right.

5 **THE COURT:** Good. Did you receive a copy of the
6 petition and supplement?

7 **THE DEFENDANT:** I did.

8 **THE COURT:** Did you review those with Ms. Pryor?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Do you understand the charge against you?

11 **THE DEFENDANT:** I am.

12 **THE COURT:** You may have a seat, sir.

13 The allegation in the petition is that Mr. Hill was
14 arrested by the Martinsville, Virginia Police Department for a
15 misdemeanor indecent exposure on September 21, 2018. He
16 reportedly was running around a public park nude at the time.

17 Does the Defendant admit or deny this allegation?

18 **MS. PRYOR:** He denies, Your Honor.

19 **THE COURT:** All right. Is the Government prepared to
20 proceed?

21 **MR. RAMASWAMY:** Yes, Your Honor.

22 **THE COURT:** All right. You may call your witnesses.

23 **MR. RAMASWAMY:** Thank you. The Government would call
24 Robert Jones.

25 **SERGEANT ROBERT JONES,** GOVERNMENT'S WITNESS, being first duly

1 sworn, testified as follows at 3:48 p.m.:

2 **THE COURT:** Before you begin, give me a chance to
3 look at one thing.

4 **MS. PRYOR:** Your Honor, may I have just one moment
5 with my client?

6 **THE COURT:** Yes, you may.

7 (Ms. Pryor conferred with the Defendant.)

8 **THE COURT:** Okay. I was just confirming that it's
9 Docket Entry 176, that the U.S. Court for the Western District
10 of Virginia in Roanoke did, in fact, find Mr. Hill to be
11 competent. That appears to be the case.

12 **MS. PRYOR:** That is correct, Your Honor.

13 **THE COURT:** Thank you. All right.

14 Mr. Ramaswamy, you may proceed, sir.

15 DIRECT EXAMINATION

16 **BY MR. RAMASWAMY**

17 Q Would you state your name and occupation for the record,
18 please.

19 A Robert Jones, patrol sergeant in the Martinsville City
20 Police Department.

21 Q How long have you been with the Martinsville PD?

22 A Just over 17 and a half years.

23 Q And were you on duty on September 21st of last year?

24 A I was.

25 Q And what were your duties on that date?

1 A I was the supervisor for the patrol shift that evening.

2 Q Did you receive a call from dispatch that evening?

3 A We did.

4 Q What was that call in reference to?

5 A Radio traffic came across as a male subject with no
6 clothes on running down the side of the street at Hooker Street
7 near the Henry County Public Safety building.

8 Q And what did you do in response to that call?

9 A Several of the officers that work for me went to that area
10 and were trying to locate that individual. I came from another
11 part of the town. As I came across, they were not having any
12 luck locating him. I went to an area of Pine Street. At the
13 dead end section of that, there is a set of steps that go onto
14 the walking trail that connects where the individual was first
15 seen to where I was coming from.

16 Q You mentioned Hooker Street was the original place of the
17 report; correct?

18 A Correct. It's Hooker Street and Church Street there at
19 Burger King. It's an intersection right there at that area.

20 Q You mentioned the walking trail. What's the name of that
21 trail?

22 A It is the Dick and Willie Trail.

23 Q And do you know approximately how long that trail is?

24 A It's several miles long.

25 Q And in reference to Martinsville, where does it go in

1 reference -- is it remote or is it residential or a mixture?

2 A A mixture.

3 Q I believe you said you went to a set of steps near Pine
4 Street; is that correct?

5 A Yes, sir.

6 Q Would you tell the Court what happened next?

7 A I went down the steps around the edge of the intersection
8 there where the trail splits off back towards the direction
9 where the individual had been seen. As I was coming up the
10 trail, I could hear footsteps coming towards me; at which
11 point, I stopped to see if the individual would come closer to
12 me before I made contact.

13 Q On that trail, is that trail open at night?

14 A It is.

15 Q Is it a park?

16 A It's a walking trail that goes from the county through the
17 city back out into the county.

18 Q And you said you heard the footsteps before you saw
19 someone?

20 A Correct.

21 Q Did you eventually see someone?

22 A I did.

23 Q Did you see him -- did you have a flashlight?

24 A I did.

25 Q Did you see him by your flashlight or by other light?

1 A By my flashlight.

2 Q And do you see the person that you saw that night?

3 A I do.

4 Q And is he in the courtroom?

5 A He is. It's the Defendant sitting at the table with his
6 attorney.

7 Q Mr. Hill?

8 A Correct.

9 Q Describe Mr. Hill when you saw him.

10 A When I shined my light on Mr. Hill, he was completely
11 naked other than a backpack, his tennis shoes and socks, and a
12 stocking cap.

13 Q How far away was he when you first saw him?

14 A About the length of the courtroom.

15 Q And when you -- after you saw him, what did you do?

16 A I yelled at him to stop. When I shined my flashlight on
17 him, he took off, which would have been where I was facing to
18 my left into the wood line and down the hill into the creek.

19 Q Did you see him holding anything?

20 A He did. He had a yellow flashlight in his hand and then
21 also another black object, which was later found to be another
22 flashlight in his other hand.

23 Q I'm sorry. After he ran down the hill and into the wooded
24 area, did you pursue?

25 A I did.

1 Q Describe that for the Court, please.

2 A We run through the brush, through the thicket down into
3 the creek; at which point, he jumped over a log into the creek.

4 Q Was he still holding the objects?

5 A One of the objects had fell. The small black flashlight
6 had fallen. That was picked up by one of the other officers
7 that came to assist me.

8 Q And what did you do next?

9 A He was handcuffed at that point and was walked out of the
10 wooded area back to the patrol cars that met us at -- off of
11 Hooker Street on one of the side streets.

12 Q You mentioned two flashlights in a backpack. Did he have
13 anything else with him?

14 A Yes, there was -- in his backpack was located a camera.

15 Q Did Mr. Hill make any statements to you at that time?

16 A He was complaining of knee pain; at which point, we
17 transported him to the hospital to get him checked out to make
18 sure he was okay. While there, he proceeded to explain to me
19 that the reason he was out there like that was because a male
20 subject -- a black male in a hoodie had threatened him and
21 forced him to take pictures of himself.

22 Q What -- did he gave any more detail than that, a black
23 male in a hoodie forced him to take photos?

24 A He did. He said that the male subject threatened him and
25 his family and told him that he needed to take these photos of

1 himself naked; otherwise, they were going to hurt his family.

2 Q Did he make any statement as to whether or not this person
3 knew his family?

4 A When questioning him if the male subject was with him when
5 he took the photos and stuff that were on the camera, he stated
6 he was not with him. And when questioned about that and why he
7 didn't come to see us and asked him -- he proceeded to explain
8 to us that this subject was working for law enforcement and
9 other individuals in reference to his prior charges.

10 Q So it was a story that his original child pornography
11 charge -- that this unknown person was somehow affiliated with
12 that charge?

13 A Correct.

14 Q What did he say about the camera itself?

15 A He said that the -- originally said that the male subject
16 had given him the camera to go take the photos. I had seized
17 the camera during this time. A search warrant was issued for
18 it, and on the camera card -- on the SD card inside the camera
19 was a Word document that belonged to Mr. Hill.

20 Q Were there other things on the camera card?

21 A Photos from that evening.

22 Q Did he say what he was supposed to do with the camera
23 after he took these pictures?

24 A He did. He was supposed to leave it on one of the benches
25 on the walking trail.

1 Q Now, did you obtain a search warrant for the contents of
2 the camera?

3 A I did.

4 Q And did you later find the photographs and document you
5 mentioned on the camera?

6 A Correct.

7 **MR. RAMASWAMY:** May I approach?

8 **THE COURT:** Yes.

9 **BY MR. RAMASWAMY**

10 Q Officer Jones, I'm going to show what's marked as
11 Government's Exhibit 1, which is a two-page exhibit, a contact
12 sheet. Do you recognize what's on Government's Exhibit 1?

13 A Yes. These are thumbnails of the photos that were found
14 on that card.

15 Q I'm going to ask you to look at Government's Exhibit 1,
16 and on the photographs themselves, does there appear to be a
17 time/date stamp?

18 A It is.

19 Q Is that time/date stamp consistent with the day that the
20 incident occurred?

21 A It is.

22 Q And also below each photograph is some text that begins
23 with the word "Sanyo," and the first one at the top left of
24 Government's Exhibit 1 says sanyo001.jpg. Do you know what
25 that is?

1 A That's the -- normally, that's the stamp that the camera
2 puts onto the card for the photo that's stored on it.

3 Q So that's the file name for each of the photographic files
4 on the camera?

5 A Correct.

6 Q Is what's shown in Government's Exhibit 1 all of the
7 photographs found on Mr. Hill's camera?

8 A Yes.

9 Q And I know there are --

10 **MR. RAMASWAMY:** I would ask that Government's
11 Exhibit 1 be admitted, Your Honor.

12 **MS. PRYOR:** Your Honor, we have no objection. Just
13 ask that it be sealed because of the nature of it.

14 **THE COURT:** All right. It's admitted.

15 **BY MR. RAMASWAMY**

16 Q I'm going to ask you about Government's Exhibit 1 in
17 relation to this trail, the Dick and Willie Passage. In your
18 further investigation or knowledge, were you able to determine
19 whether these photographs were taken in reference to that
20 trail?

21 A Further investigation from the initial incident, it looks
22 like all of these were taking place at the Greene Company right
23 behind the Mexican restaurant right in that area, Virginia
24 Avenue, Memorial Boulevard, and Commonwealth Boulevard.

25 Q What type of area is that?

1 A It's the Wal-Mart -- it's our Wal-Mart intersection.
2 There's several restaurants, a gas station right here in this
3 little area, along with a hotel there as well.

4 Q In terms of Martinsville, or Henry County, is it -- how
5 would you describe it in terms of car traffic? Foot traffic?

6 A Heavy traffic.

7 **THE COURT:** Any objection to sealing these, given the
8 nature of them?

9 **MR. RAMASWAMY:** I don't have any objection.

10 **MS. PRYOR:** Thank you.

11 **THE COURT:** I'll order that they be sealed, that is,
12 Government's Exhibit 1.

13 **BY MR. RAMASWAMY**

14 Q It's Detective Jones; correct?

15 A Sergeant Jones.

16 Q I'm sorry.

17 A No problem.

18 Q Sergeant Jones, I'm going to show what's marked as
19 Government's Exhibit 2. Do you recognize Government's
20 Exhibit 2?

21 A Yes, sir.

22 Q In Government's Exhibit 2 is a map, arrows, and some text.
23 Have you previously reviewed this in relation to the
24 photographs and file names?

25 A Yes, sir.

1 Q And as it describes in numbered sequence one through five,
2 does that accurately show, as to the files in Government's
3 Exhibit 1, the locations where those photographs were taken?

4 A Yes, sir. These are consistent with the photographs.

5 Q Those photographs I mentioned before have a time stamp;
6 correct?

7 A Correct.

8 Q And for the record, on Government's Exhibit 2, on the
9 first number there, under No. 1, when do the photographs begin,
10 as far as the time stamp?

11 A At 12:29 a.m.

12 Q Sergeant Jones, I'm showing you what's marked as
13 Government's Exhibit 3, and I want you in reference to -- what
14 does Government's Exhibit 3 show?

15 A This is photographs of the Greene Company from Virginia
16 Avenue over the bridge, along with the beginning of the walking
17 trail there for parking, the bike rack, and the little bulletin
18 board there at the beginning of the trail.

19 Q You mentioned that bike rack and bulletin board. That's
20 approximately in the center of the large photograph; correct?

21 A Correct.

22 Q And the bike rack is that the green --

23 A Just the little -- right beside the green trash can and
24 bulletin board.

25 Q Do you see those same -- that bulletin board and bike rack

1 and trash can in Government's Exhibit 1, in those photographs?

2 A Yes.

3 Q And I'll show you what's marked Government's Exhibit 4.

4 Again, another large photograph in the daytime -- taken in the
5 daytime. Do you recognize that?

6 A Yes, sir. That is the backside of the Greene Company and
7 their parking lot, along with the Taco Bell old truck --
8 transfer truck that they have there.

9 Q That says Taco Bell?

10 A Minus a few letters.

11 Q Okay. On the second page of Government's Exhibit 1, is
12 there are also a Taco Bell truck with the B and final L missing
13 from Bell?

14 A Correct.

15 Q Is that what you were able to determine was the location
16 of the photographs shown on the back -- the second page of
17 Government's Exhibit 1?

18 A Yes, sir.

19 Q I'll show you what's marked Government's Exhibit 4 --
20 Government's Exhibit 5. Would you tell us what's shown in that
21 photograph?

22 A That is the intersection for the Commonwealth, Virginia
23 Avenue, Memorial Boulevard intersection.

24 Q And that's a photograph taken in the daytime; correct?

25 A Correct.

1 Q Now, in relation to Martinsville, Henry County -- well,
2 strike that.

3 Is that the same intersection that has the Wal-Mart on the
4 one side and other businesses on the other?

5 A Correct.

6 Q In relation to Martinsville and Henry County, how busy of
7 an intersection is that? Is it a -- it's in the top?

8 A It's one of our busiest intersections for that area.

9 Q I am going to show you a photograph marked Government's
10 Exhibit 6.

11 **MR. RAMASWAMY:** And I have no objection if counsel
12 moves to seal this one as well, Your Honor.

13 **MS. PRYOR:** That would be my request, Your Honor.

14 **THE COURT:** All right. It's granted.

15 **BY MR. RAMASWAMY**

16 Q I have some questions related to Government's Exhibit 6.
17 What is shown in that exhibit?

18 A This is the grassy section just up from the intersection
19 behind the gas station. The Wal-Mart intersection is here with
20 the stoplights. The signs for all the stores down there in the
21 strip mall just below Wal-Mart is here in the smaller, lower
22 right-hand corner.

23 Q And you're pointing to the lower right-hand corner of
24 Government's Exhibit 6. Is there also a yellow sign with a
25 semicircular top about in the center near the bottom?

1 A Yes, sir.

2 Q What business is that?

3 A That's one of the businesses right here on the main strip.
4 I think it's a Midas or Monroe, something to that effect, and
5 then Hill Chiropractic is right there as well.

6 Q Is that a tire store?

7 A Correct.

8 Q And is that visible? Is this intersection visible in
9 Government's Exhibit 5?

10 A Yes, sir. It's right here.

11 Q And you're pointing to -- in Government's Exhibit 5, on
12 the right, you're pointing to where there's a Lowe's sign, in
13 between the Lowe's and the Wal-Mart?

14 A Right. The Hill Chiropractic sign is here just at the
15 stoplight, the Monroe Muffler shop is here, and the Wal-Mart
16 intersection is all right there together.

17 **MS. PRYOR:** Your Honor, do you mind if I move closer
18 just so I can see where they're pointing? I am unable to see
19 it from here.

20 **THE COURT:** Why don't you hold it up so counsel can
21 see it.

22 **THE WITNESS:** The Wal-Mart intersection is here where
23 the blue sign is. We've got the yellow building, which is the
24 muffler shop, tire shop there, and then just past that one with
25 this other brick building behind it is the Hill Chiropractic

1 building.

2 **BY MR. RAMASWAMY**

3 Q I have a couple more.

4 Directly -- is Mr. Hill shown in this Government's
5 Exhibit 6?

6 A He is.

7 Q In the space between his arm, is there a sign visible?

8 A It is.

9 Q Do you see that same sign in Government's Exhibit 5?

10 A Yes, sir.

11 Q What sign is that in Government's Exhibit 5?

12 A It's the Mexican restaurant sign, the El Parral.

13 Q And do you also see behind Mr. Hill in Government's
14 Exhibit 6 what appears to be a yellow curb?

15 A I do.

16 Q Do you see that yellow curb in Government's Exhibit 5?

17 A I do. That is actually the Stultz Road intersection.

18 Q Can you tell on Government's Exhibit 5 the vantage point
19 from which Government's Exhibit 6 was taken?

20 A That appears to be the grassy section behind the gas
21 station, which is Fast Fuels.

22 Q I'm going to give you a pen. If you would mark on there,
23 if you're able.

24 A Fast Fuels would be up here just out of camera view, and
25 it would be down here in this corner in Photo 6.

1 Q So you placed a small dot on each photograph, which is the
2 apparent vantage point on Government's Exhibit 5 from which
3 this photo was taken; correct?

4 A Correct.

5 Q Do you see anything other than the store lights in
6 Government's Exhibit 6?

7 A Yes, sir. There appears to be taillights from a vehicle
8 passing at the intersection.

9 Q And that is on the photograph just to the right of the
10 Defendant's leg with the black sock?

11 A Correct, which would be roughly two-thirds down the page,
12 middle of the page.

13 Q In relation to this trail, do you -- strike that.

14 Let me show what's marked as Government's Exhibit 7, and I
15 ask you to take a moment and look at that.

16 Have you seen that exhibit before?

17 A I have.

18 Q Would you describe what's in the exhibit?

19 A It's a roadmap of the city and locations of where the
20 photos were originally started and a location of the time of
21 the original call that we received from dispatch and
22 approximate arrest location.

23 Q So there's four annotations on here. This 310 Forest
24 Street, do you know what that is?

25 A That's down where the suspect lived, Mr. Hill.

1 Q And everything -- as far as the photographs, were those
2 taken where it says photos taken here, 12:29 to 1:20 a.m.?

3 A Correct.

4 Q And I may not have asked you the time that the call came
5 in to the police, but do you know what time that call came in?

6 A It was 3:12 in the morning.

7 Q And is this -- can you review the place where it says
8 "arrest"? Is that accurate as to the place to which the
9 Defendant was arrested?

10 A Yes, sir.

11 Q The distance between where the photographs were taken and
12 where it shows the 911 call location was made, can you tell
13 even approximately what distance was that?

14 A It's a couple of miles.

15 **MR. RAMASWAMY:** One moment, please.

16 **THE COURT:** Sure. While you're going through that,
17 just so counsel has an idea, I can go until about 5:15 today.
18 So if you think you need to go beyond that, we'll have to make
19 arrangements.

20 **MR. RAMASWAMY:** I don't anticipate -- thank you, Your
21 Honor. I am sorry to interrupt. I don't anticipate more than
22 two other exhibits, and my evidence will be all through this
23 witness.

24 **THE COURT:** All right.

25

1 **BY MR. RAMASWAMY**

2 Q I'm going to show you a four-page exhibit marked as
3 Government's Exhibit 8, and I ask that you take a moment and
4 look at that, please.

5 Sergeant Hill [sic], can you tell -- have you seen
6 Government's Exhibit 8 before?

7 A I have.

8 Q What is it?

9 A It's the document that was found on the SD card in printed
10 version that belonged to Mr. Hill that was on the camera when
11 we did the search warrant.

12 Q So this document was on the same card as the photographs?

13 A Correct.

14 Q And I will show what's been marked as Government's
15 Exhibit 9. I'll ask that you take a look at that.

16 In your examination of the contents of the camera card,
17 did you observe the properties for that four-page document I
18 just showed you?

19 A I did.

20 Q And is this a screenshot of the properties?

21 A It is.

22 Q And under the author, what does it say?

23 A Brian D. Hill.

24 Q Did you ever see anyone else on the trail that night
25 besides Mr. Hill?

1 A No, that's the only person that I came into contact with.

2 Q Other than September 21, were you -- of last year, were
3 you aware of other calls in reference to a naked person on that
4 trail or in that area?

5 A We have had other calls in the city in reference to a
6 white male running naked with a stocking cap on, which was
7 consistent with Mr. Hill.

8 Q Did you get similar calls after Mr. Hill was arrested in
9 this case?

10 A We've had, I know, two other calls for indecent exposure
11 incidents, but they were both identified as not being Mr. Hill.

12 Q And you mentioned he was -- he was charged with indecent
13 exposure; correct?

14 A Correct.

15 Q Are you familiar with the Virginia statute?

16 A Yes, sir.

17 Q I will show you what's been marked as Government's
18 Exhibit 10, and ask that you take a look at that and see if you
19 recognize that.

20 A Yes, sir.

21 Q What is Government's Exhibit 10?

22 A That is a printout of our state statute for indecent
23 exposure.

24 Q And that's under your Virginia Code Section 18.2-387;
25 correct?

1 A Correct.

2 Q That's what Mr. Hill was charged with?

3 A He was charged under our local statute, which mimics this
4 just for funding purposes.

5 Q There was mention before about a trial. Was that a bench
6 trial?

7 A Yes, sir.

8 Q So the current matter on appeal was on appeal for jury
9 trial; correct?

10 A It was slated for a jury trial, yes, sir, it was.

11 Q Do you know when that was set for trial?

12 A It was a couple of weeks ago. It was continued. I'm not
13 sure of the exact date. I don't have my calendar.

14 **MR. RAMASWAMY:** I have no other questions.

15 **THE COURT:** All right. Are you moving any of these
16 in?

17 **MR. RAMASWAMY:** I'm sorry. I believe I moved for
18 Government's Exhibit 1. For the remainder of the exhibits,
19 we'd asked that they be admitted, and I believe two of them are
20 under seal, Your Honor.

21 **THE COURT:** Any objection?

22 **MS. PRYOR:** No objections, Your Honor.

23 **THE COURT:** They are admitted, and Exhibit 1 and
24 Exhibit 5 are under seal.

25 Ms. Pryor, any questions?

1 **MS. PRYOR:** Yes, Your Honor.

2 CROSS-EXAMINATION

3 **BY MS. PRYOR**

4 Q Can you tell us -- I believe you stated that the call came
5 in around what time?

6 A Around 3:12 in the morning.

7 Q And was that the only call that you received?

8 A It was.

9 Q Okay. And at 3:12 in the morning, are any of the places
10 that's on the map, I believe Taco Bell, the Mexican
11 restaurants -- are those places open at that time?

12 A The Greene Company that has the Taco Bell delivery truck
13 is not open at that point. The Wal-Mart at that intersection
14 is still open. Other than -- as far as the Mexican restaurant
15 and the other restaurant right on the corner, they are not.

16 Q I believe there is a Roses as well on that corner as well?

17 A Correct.

18 Q And Lowe's as well?

19 A Yes.

20 Q And are those open at that time in the morning?

21 A No, ma'am.

22 Q And when you did proceed to arrest my client at that time,
23 how many people were around at that time?

24 A It was me and him when he was placed in handcuffs in the
25 woods. Another officer was coming down to us but had not made

1 it to us at that point.

2 Q Was there anyone on the trail at that time?

3 A I did not make any contact with anybody else at that time.

4 Q And you said what when you approached him? He was -- that
5 he did -- he did lead you on a pursuit?

6 A Correct.

7 Q Do you recall about how long that pursuit was?

8 A It wasn't far. He made it to the bottom of the hill
9 through the vines and brush and, like I said, jumped over a log
10 into the creek out of my sight, which I was trying to give him
11 commands to show me his hands at that point.

12 Q And you didn't see anyone when you were on that pursuit?

13 A No.

14 Q At the time -- these photos are clearly taken during the
15 daytime with many cars, of course, on this, but at 3:12 a.m.
16 when you were traveling, based on that call, did you see --
17 about approximately how many cars was on the road at that time?

18 A This was not at -- when he was taken into custody, it was
19 not at that intersection. It was farther up the trail towards
20 the other side of the city.

21 Q Okay. So farther up the trail -- are there any
22 restaurants farther up that trail?

23 A That actually comes out to another intersection where
24 there's restaurants, some other businesses, and stuff like
25 that. Those were not open during this particular time. It

1 proceeds up past the access for the hospital and continues on
2 out to the Public Safety building, which is -- somebody's
3 staffing that 24 hours a day.

4 Q Okay. And you said that the caller, based on the diagram
5 on -- I believe that's Government's Exhibit No. 7. The caller
6 that called in at 3:12 a.m., that was near I believe -- that
7 looks like a Burger King; is that correct?

8 A Correct. Right there at that intersection for the Burger
9 King is a 24-hour laundromat and just around -- if you take a
10 right from there, you are in sight of the CVS that's open 24
11 hours a day.

12 Q And that's not pictured here on Exhibit No. 5; correct?

13 A No.

14 Q And when you approached -- or when you did ask him to
15 stop, did you have on your uniform at the time?

16 A I did.

17 Q And did you tell him that you were police at the time?

18 A I do not recall if I actually said I was police or not
19 when I told him to stop; at which point, he went straight into
20 the woods, and I began chasing him.

21 Q And once you did arrest him, you said that he had a
22 flashlight and a book bag, and I believe you said one other
23 item?

24 A There was a backpack on him. He had a large flashlight,
25 like a square battery one, in his hand, and he also dropped a

1 small black flashlight while running.

2 Q And you were able to recover all of those things?

3 A We did.

4 Q Did he voluntarily provide you with his camera as well?

5 A He did. When he was explaining the situation, his first
6 story as to what had -- the reason why he was out there that
7 late, he gave us permission to look at -- one of the officers
8 to look at the photos, and that's how we came about those.

9 Q Okay. And one of the things that he said at the time is
10 that there was a male that was in a hoodie, that he was told
11 that he had to take those pictures?

12 A Correct.

13 Q And did he tell you any other information about the male
14 in the hoodie?

15 A He proceeded to explain to me that during this time frame,
16 during questioning him and trying to get some more information
17 about that -- he provided more information as to that male
18 subject with the hoodie was working for the people that were --
19 that had originally been in his original charges.

20 Q Okay. And did you investigate whether he -- whether there
21 was some threat to his family or anything?

22 A Talking with him, the time frame didn't really add up to
23 me at that point. We made contact with his -- tried to make
24 contact with his mother that night. I don't know if anybody
25 actually spoke to her. I don't recall.

1 Q Okay. But as part of your investigation, have you been
2 able to find out whether there were some threatening matters
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --
11 does the department train you on how to approach someone with
12 autism?

13 A We deal with some academy-wise and not much follow-up
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical
24 reports?

25 A No, I did not do a subpoena for his hospital records.

1 Q Okay. Did you speak to a doctor or anyone regarding his
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him
8 for mental health issues is the reason why they cleared him
9 psychologically, to make sure there was nothing going on there.
10 Once they do that, they do lab work and other stuff. I didn't
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or
22 not they were open in this time frame. Are there residences
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?

1 A There are.

2 Q Are there residences where there's no obstruction between
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 **RE CROSS-EXAMINATION**

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail
18 from, along with -- the original call that came in, the trail
19 actually runs right up the side of the road where the original
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the
25 scene there the first time?

1 A Yes, sir, I have supervised him Mr. Hill since about
2 July 1, 2015.

3 Q Okay. And as long as you have been supervising Mr. Hill,
4 has he had any infractions besides the one that we are
5 presently here for today?

6 A The only one was when shortly after he was released from a
7 prior revocation hearing, for which he was not revoked, he was
8 referred to sex offender specific treatment. After a short
9 time of enrollment, the counselor advised that he was not
10 amenable to treatment and recommended that he be terminated. I
11 advised the probation office in this district, who had, in
12 turn, advised the Court, and the determination was made that if
13 he was otherwise stable with no other concerns or issues, we
14 could just continue with supervision.

15 Q Okay. And so he continued on supervision.

16 Did he have the occasion to attend any mental health
17 treatment?

18 A He saw a private counselor named Preston Page that was
19 paid for by his Medicaid, I do believe. He maintained contact
20 with Mr. Page, and I would check with Mr. Page occasionally to
21 see how things are going.

22 Q Are you aware that Mr. Hill is diagnosed with autism?

23 A I am aware, yes.

24 Q And with your reaction and your interaction with him, have
25 you found -- have you found to determine that you do see some

1 level of weaknesses when it comes to -- when it comes to your
2 communication with him?

3 A Sometimes it can be difficult to communicate with
4 Mr. Hill. So I have on many occasions -- he resides with his
5 mother, and I have spoken with Roberta, is his mother's name,
6 to see how things are going. And Mr. Hill has always been
7 respectful. It is hard to communicate with him on --
8 sometimes, but I will speak with his mother, and I have spoken
9 with his grandparents on occasion as well.

10 Q Okay. And when you've talked to Mr. Hill, I think you
11 stated it, has he been respectful with you?

12 A He has.

13 Q And did Mr. Hill tell you -- did you get an opportunity to
14 speak to him about this particular violation hearing?

15 A In what regard?

16 Q Just has he talked to you about what happened or anything,
17 that he spoke to the police officers and that nature?

18 A When he was incarcerated, he had submitted some letters.
19 We have not spoken face to face or on the telephone regarding a
20 violation.

21 Q And other than this violation that we're here today,
22 Mr. Hill, to your recollection, has been in compliance with all
23 of the conditions of his release?

24 A He's been in compliance since I have supervised him until
25 his arrest.

1 Q Okay. Did you --

2 MS. PRYOR: Can I have one moment, Your Honor?

3 THE COURT: Yes.

4 (Pause in the proceedings.)

5 BY MS. PRYOR

6 Q Do you recall what date he was arrested for these matters?

7 A September 21, 2018.

8 Q Okay. And do you recall what date the federal -- that the
9 federal Government -- or, let me say, the probation office
10 filed their violation?

11 A I'm not aware of the exact date that the petition in North
12 Carolina -- this district was filed, but I notified the
13 probation office, and they proceeded to request the violation
14 warrant. I'm not exactly sure of the date.

15 Q Okay. And do you recall whether Mr. Hill, once he was --
16 once he was found guilty in Martinsville, did the Federal
17 Government have a hold on his -- on his detainer?

18 A That is correct, because he was brought into magistrate
19 court in Roanoke for his initial appearance on the violation
20 proceedings.

21 Q Okay. And can you tell the Court what happened at the
22 particular proceeding? Did you attend that proceeding?

23 A Yes, ma'am, I did.

24 Q First, did you attend that proceeding?

25 A Yes, ma'am, I was there.

1 Q And can you tell the Court what the judge recommended
2 based on that proceeding that day?

3 A This took place on December 26, 2018. Magistrate Judge
4 Ballou ordered that he be sent to Butner for a psychological
5 evaluation.

6 Q And how many days was he supposed to be at that -- or go
7 through that process?

8 A He was not returned to court until May 14th of this year,
9 2019.

10 Q Okay. After he returned May 14th of this year, was he
11 released at that time?

12 A Yes, ma'am, he was.

13 Q Okay. And he was released back home?

14 A Yes, to the home that he shares with his mother.

15 Q And did that Court find that he was not a flight risk at
16 the time?

17 A Yes.

18 Q And since he's been home, I believe you said May 14, 2019,
19 has he been in violation of that particular conditions of that
20 release?

21 A No, ma'am.

22 Q Okay. And based on that release, that was -- based on
23 that release on May 14, 2001 [sic], have you had a chance to
24 visit him at home?

25 A Yes, monthly.

1 **MS. PRYOR:** No further questions, Your Honor.

2 **THE COURT:** Any cross?

3 CROSS-EXAMINATION

4 **BY MR. RAMASWAMY**

5 Q You mentioned previously that Mr. Hill's sex offender
6 treatment or counseling was terminated because he was found not
7 to be amenable to treatment; correct?

8 A Yes, sir.

9 Q Do you know what the nature of that was?

10 A Yes, I do. Dr. Keith Fender of Radford Counseling advised
11 that in group treatment Mr. Hill was not accepting
12 responsibility for his underlining charge -- or conviction,
13 rather, and that that would be a detriment to the group, and
14 they determined that he should be removed from group, because
15 part of that is that you accept responsibility and you work
16 through what they call a workbook, which is a quite lengthy
17 piece of material. So it was determined to remove Mr. Hill
18 from the group.

19 Q And counsel asked you if you had spoke to Mr. Hill about
20 this incident. Did Mr. Hill admit the conduct in this
21 violation, the conduct of this hearing?

22 A We did not -- we have not spoken face to face. I have not
23 asked him whether he committed the offense. He had written
24 letters when he was in prison discussing the story that we
25 heard previously about the individual asking him to take the

1 pictures.

2 Q Let me ask you -- I believe it's Government's Exhibit 8
3 was the monthly supervision report for the month of
4 August 2018.

5 A Yes, sir.

6 Q Have you -- did you previously see that exhibit?

7 A Yes, I have previously seen the exhibit.

8 Q Had you seen it before today?

9 A It is a copy of our monthly supervision report, which we
10 receive timely every month from Mr. Hill, and it was
11 representative of one that he sends me every month.

12 Q As far as being a registered sex offender and the
13 conditions of his supervision, would that prevent him from
14 going to parks and places where children congregate?

15 A I would have to review his conditions of supervision, but
16 our standing order in the Western District of Virginia would
17 require permission for someone to go to places that are
18 primarily used by children.

19 Q Did Mr. Hill ever seek such permission in relation to the
20 Dick and Willie Passage?

21 A In the past, he has asked for permission during the
22 daytime hours to go on the trail to take pictures of wildlife
23 and nature.

24 Q Now, the probation office's recommendation in this case is
25 revocation; correct?

1 A That's correct.

2 Q Has that changed, to your knowledge, since the time the
3 report has come up?

4 A To my knowledge, it has not.

5 **MR. RAMASWAMY:** No other questions.

6 **THE COURT:** Any redirect?

7 **MS. PRYOR:** Yes, just one.

8 REDIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Did -- we've mentioned about the sexual offense program.
11 Was there a workbook that was provided to Mr. Hill?

12 A To my knowledge, there was, and he completed it very
13 quickly, which the workbook, as it's been explained to me, it
14 takes quite some time to complete. There are numerous phases
15 that you must go through, and it's not something that can be
16 completed without presenting the material to the group and
17 receiving feedback. It's not something that can be completed
18 in a couple of weeks or even a month.

19 Q Okay. And every time that Mr. Hill has went out, Mr. Hill
20 does inform you that he is traveling, or any of that nature;
21 correct?

22 A Yes, ma'am.

23 **MS. PRYOR:** Thank you. No further questions, Your
24 Honor.

25 **THE COURT:** You may step down, sir.

1 (At 4:37 p.m., witness excused.)

2 **THE COURT:** Any other evidence for the Defendant?

3 **MS. PRYOR:** Yes, Your Honor.

4 **THE COURT:** All right.

5 **MS. PRYOR:** I call Ms. Roberta Hill, Your Honor.

6 **ROBERTA HILL,** DEFENDANT'S WITNESS, being first duly sworn,
7 testified as follows at 4:37 p.m.:

8 DIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Can you tell us your name for the record.

11 A Roberta Ruth Hill.

12 Q And what is your relationship with Mr. Brian Hill?

13 A I'm his mother.

14 Q Okay. And where does Mr. Hill stay in comparison to where
15 you stay?

16 A In the apartment below my apartment at 310 Forest Street,
17 Apartment 2.

18 Q And so is this a type of duplex type of home?

19 A Yeah, it is.

20 Q Okay. And so do you work during the daytime?

21 A No. I'm at home, and I can check on him any time during
22 the day and night.

23 Q Okay. And so at one time, you guys were having some
24 issues in the same home that Mr. Hill lives in dealing with the
25 chimney; correct?

1 A Yes. There was damage in his apartment with water damage
2 on his wall and ceiling in his living room.

3 Q Did you call someone to get that fixed?

4 A Yeah, I did.

5 Q Do you recall what the name of that company was that you
6 called to get that fixed?

7 A No, I can't recall the name of the company.

8 Q Do you recall how much you paid for getting it fixed,
9 getting the chimney fixed?

10 A They put -- he found out that it had been -- are you
11 talking about the first time before --

12 Q Yes, I'm talking about the first time that you got your
13 home --

14 A Yeah, that was \$300 to get it fixed. I was trying to keep
15 birds from going into the chimney.

16 Q Okay. And so you had a professional come out to get that
17 fixed?

18 A Yes.

19 Q And was there an occasion that you had that same
20 professional come back out to review it because of some issues
21 that you stated?

22 A Yeah, there was another fireplace company that came out to
23 take a look at it in January 30 of 2019.

24 Q Okay. And when they came out to fix it, did they tell you
25 of anything that might have been happening in the home at the

1 time?

2 A Yeah, he said that he found out that all three flues of
3 the chimney had been completely sealed off, and that means that
4 my furnace and hot water heater was venting out through our
5 apartments into -- he said that we would have had carbon
6 monoxide coming into our apartments.

7 Q Okay. And do you recall what date that you had that
8 particular professional come out and say that?

9 A January 30, 2019.

10 Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill
11 was arrested for indecent exposure in Martinsville, Virginia?

12 A Yes.

13 Q Okay. And do you recall what that date was?

14 A September 21, 2018.

15 Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a
16 trial in Martinsville, Virginia?

17 A Uh-huh.

18 Q And were you present for that trial?

19 A Not the first trial. I was present for the trial in
20 December, December 21, I think.

21 Q Okay. Did he get a chance to come home?

22 A No, he did not.

23 Q Okay. And do you recall the first time that Mr. Hill got
24 a chance to come home after that particular -- after the first
25 time he was arrested?

1 A He came home on May 14, 2019.

2 Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went
3 to the doctor any time in between that time?

4 A Yeah, he fell down one night. I guess he passed out and
5 hit his head on a desk in his office and managed to somehow get
6 back to his bedroom and fall asleep and whenever -- I set my
7 alarm at 4:30 in the morning to check on him, check his blood
8 sugar. I went down there. I saw all the blood on the pillow
9 and realized something had happened, checked his blood sugar,
10 treated an insulin reaction, and then I called 911 because I
11 didn't know what had happened to him, and I saw that there was
12 a gash above his eye. So the paramedics came out. They
13 recommended for him to go to the hospital. He refused to go in
14 the ambulance. So it took four hours for him to go through his
15 OCD routines before I could get him to the emergency room.

16 Q Do you recall when that occurred, about the date when that
17 occurred?

18 A That was during the winter, right after I first got the
19 chimney fixed to keep birds from going into the chimney. It
20 happened right after that.

21 Q Okay. And you stated that it took about four hours for
22 you to get him to the hospital. I believe you mentioned OCD?

23 A Yeah, he has obsessive-compulsive disorder, and he does
24 lengthy hand-washing routines and shower routines.

25 Q Okay. And how long has he been doing that?

1 A He's been doing that since he was in 6th grade.

2 Q Okay. And is Mr. -- has Mr. Hill been diagnosed with
3 autism?

4 A Yes.

5 Q When was he diagnosed with autism?

6 A When he was four years old, he was diagnosed by Teacch in
7 Greensboro.

8 Q And does he have -- and based on him being diagnosed with
9 autism, do you have difficulty communicating with him?

10 A Yeah.

11 Q And what do you -- tell the -- can you tell the Court what
12 that means for you and your family?

13 A Yeah, communication problems. Sometimes when I try to
14 explain something to him, he doesn't quite understand what I'm
15 saying, or he's unable to see my perspective, and sometimes he
16 will get a little upset about it, which isn't unusual for
17 people with autism. So I have to further explain things, or I
18 have to be quiet and let him cool down --

19 Q Okay.

20 A -- before I can talk to him.

21 Q Does he get treatment for autism?

22 A No. There really -- when he was a kid, he was put on two
23 or three different medications that never really helped him.
24 So we had -- Teacch was coming out to help a little bit with
25 the school, but other than that --

1 Q Does he get any treatment now for any mental health or
2 autism now?

3 A No, not for the autism. He is going to a counselor.

4 Q Okay. And what does he go to the counselor for?

5 A He goes to Piedmont Counseling a couple times a month
6 because that's what they wanted -- a condition of his bond.

7 Q And does he -- is he taking any medication at this time?

8 A Yeah, he's taking a medication to help with the OCD and
9 anxiety. I think it's called Zoloft. I'm not sure.

10 Q Okay. That's okay.

11 And as far as -- you mentioned carbon monoxide. Is he
12 taking any -- do you recall if he took any medication for the
13 carbon monoxide treatment?

14 A No, no, he didn't. We didn't know until four months after
15 he was arrested that we had carbon monoxide in our home.

16 Q Okay. And once you found out that you had carbon monoxide
17 in your home, have that been treated in your home at this time?

18 A Yeah, we got it fixed. He unplugged the flue that went to
19 the heater and the hot water heater, and he put a chimney cap
20 on the top. So we don't have any more problems with that.
21 And, plus, we got two carbon monoxide detectors in my apartment
22 and in his apartment.

23 Q Okay.

24 **MS. PRYOR:** I have no further questions, Your Honor.

25 **THE COURT:** Any examination from the Government?

1 **MR. RAMASWAMY:** Yes, Your Honor.

2 CROSS-EXAMINATION

3 **BY MR. RAMASWAMY**

4 Q Ms. Hill, you're pretty familiar with your son's case;
5 correct?

6 A Yes.

7 Q He files things pretty frequently with the court?

8 A Yes.

9 Q Do you assist him with that?

10 A No. That's his -- I'm not even into legal stuff. He's
11 the one that works the legal information, other than I might
12 look up information for him.

13 Q You're saying you don't read what he files?

14 A Sometimes, not all the time because sometimes he's
15 impulsive, and he does it in the middle of night when I'm
16 sleeping, so, no.

17 Q Well, if he's filing things in the middle of the night,
18 does he have Internet access?

19 A No, he does not. He faxes.

20 Q He faxes them?

21 A Uh-huh.

22 Q Some of these things are -- they're filed online, though,
23 aren't they?

24 A No.

25 Q Are you familiar with his story that someone forced him to

1 take these pictures?

2 A Yes, I am.

3 Q That's a story that he repeated for some time, wasn't it?

4 A Yes.

5 Q And it's also in documents that he filed with the court,
6 isn't it?

7 A Yes.

8 Q And at some other time, we have his story that carbon
9 monoxide was to blame; correct?

10 A Right.

11 Q Does that coincide about when Mr. Hill found out there was
12 a probation report on the same memory card?

13 A I don't know.

14 Q You live in the same house with Mr. Hill; correct?

15 A I'm in the apartment above his apartment.

16 Q It's a house?

17 A Yes, connected.

18 Q Yes. You live in the same house with Mr. Hill; correct?

19 A Yes.

20 Q And you claim -- or you're stating there was some type of
21 carbon monoxide problem for which you're trying to relate
22 Mr. Hill's conduct on September 21, 2018; right?

23 A Right. I saw some things with his behavior prior to that
24 time, that I didn't know what was going on, but I thought that
25 he was acting oddly. But, also, I was being exposed, too, and

1 I had some problems that I was dealing with, and I didn't
2 understand what was going on.

3 Q So this wasn't fixed until, I believe you said,
4 January 30, 2019; correct?

5 A That's whenever it was inspected and we found out about
6 the problem, and he removed the tin, yes.

7 Q So from September 21, 2018, to January 30, 2019, if you
8 had such a problem, nothing was done to fix it; right?

9 A Right.

10 **MR. RAMASWAMY:** No other questions.

11 **MS. PRYOR:** Just a follow-up.

12 REDIRECT EXAMINATION

13 **BY MS. PRYOR**

14 Q So from September of 21, 2019 -- I mean, 2018, to, I
15 believe you said, January of 30 of 2019, did you see some
16 problems in your home that was happening?

17 A Yeah. The water damage in my son's apartment got
18 increasingly worse. The ceiling started falling down. I
19 didn't know what was going on because my apartment is right
20 above his, and I wasn't getting any water damage. So I thought
21 initially it has to be the foundation. So I called the
22 foundation place, and they could only come three months later.
23 So I waited for that, and they said it's not the foundation.
24 They thought maybe it's the chimney or the roof. I got a
25 roofing company in. They recommended putting a chimney cricket

1 in front of the chimney. They thought that would stop it. So
2 I got that done. That didn't stop it. So then I called a
3 fireplace expert out to take a look at it, and he found out
4 that it had been sealed up.

5 Q And also -- you mentioned that there was also some things
6 that were affecting Mr. Hill during that time that you couldn't
7 figure out. Can you describe some of those things for the
8 Court?

9 A He was saying that he couldn't think, he couldn't focus,
10 and he was extremely tired. I also was extremely tired, and I
11 didn't know why. I was complaining to my parents. So both of
12 us were complaining about things like not being able to think
13 clearly.

14 Q Okay.

15 **MS. PRYOR:** No further questions, Your Honor.

16 **MR. RAMASWAMY:** One follow-up.

17 **RECROSS-EXAMINATION**

18 **BY MR. RAMASWAMY**

19 Q Would those things happen more often when you were inside
20 the home with the carbon monoxide?

21 A Yes.

22 Q You've heard the testimony about the conduct; correct?

23 A Yes.

24 Q That happened outside, didn't it?

25 A Yes, but, I mean, I was always tired for that period of

1 time. So, I mean -- and my son was constantly complaining
2 about not being able to think. I can't really say that that
3 was inside the house or outside the house. It was just
4 continually during that time span that we were having problems.

5 Q As a matter of fact, the testimony showed, based on the
6 camera card time, he was outside for several hours on
7 September 21, doesn't it?

8 A Yeah.

9 Q That's not consistent with inhaling carbon monoxide, is
10 it?

11 A Well, from what I've read online, it can cause a lot of
12 different problems. That can -- it could affect your
13 neurological system. I also was having a lot of head shaking
14 going on. My parents noticed that. So it can affect
15 neurological problems in the body.

16 **MR. RAMASWAMY:** No other questions.

17 **THE COURT:** All right. You may step down.

18 (At 4:51 p.m., witness excused.)

19 **MS. PRYOR:** No further evidence, Your Honor.

20 **THE COURT:** Since the Government's got the burden
21 here, I would be happy to hear from the Government.

22 **MR. RAMASWAMY:** Your Honor, in this case, the
23 violation is the Defendant committed the criminal violation of
24 the Virginia Code for indecent exposure. I have given the
25 Court the statute, but, here, if it had only been the phone

1 call and the arrest, that's one thing, but we have a series of
2 photographs which are just plainly inexplicable.

3 As to the violation itself --

4 **THE COURT:** Let me ask a question about the
5 photographs. They are taken from a distance. How does
6 somebody take a photograph from a distance like that?

7 **MR. RAMASWAMY:** I would ask the Court to note a
8 couple of things. One is the officer's testimony about
9 flashlights. He had two flashlights. And, second, in the
10 vantage point of the photographs themselves, note the proximity
11 of the ground, and it would be our contention the camera is
12 simply set on the ground and a timer is used. As a matter of
13 fact, some of them appear to be retakes. Where Government's
14 Exhibit 1, for instance, the top right photo, sanyo096, is too
15 dark, the next photograph in sequence sanyo097 is well lit. In
16 effect, it supports the inference that he repositioned the
17 lights in order to more clearly take the photographs.

18 There's no one else depicted in these photographs.
19 In every one of them, they appear to be taken with the camera
20 set on the ground.

21 **THE COURT:** All right.

22 **MR. RAMASWAMY:** In this case, as to the conduct
23 itself -- I'm not at this point addressing anything else -- two
24 things. His initial story is clearly impossible, that someone
25 gave him a camera and told him to take these pictures under

1 threat of his family, the fact that his violation -- his report
2 to his probation officer is found on the same memory card with
3 him being shown as the author, the conduct for a registered sex
4 offender convicted of child pornography offenses to be naked,
5 not just exposing himself -- this would be a different matter
6 if Mr. Hill had simply been walking and chose to relieve
7 himself and could have technically violated the statute, but
8 Mr. Hill was wearing socks, sandals, and a hat, and that's all.

9 As shown on Government's Exhibit 7, the map with the
10 annotations, the photographs are taken some distance away, not
11 only from his residence, but where he was observed and reported
12 to the police naked and where he's arrested, that the duration
13 of the conduct, the nature of the conduct, photographing the
14 conduct for whatever reason all support the violation. We
15 would ask that he be found in violation.

16 **THE COURT:** All right.

17 Ms. Pryor?

18 **MS. PRYOR:** Thank you, Your Honor.

19 Your Honor, we, of course, would ask that he does not
20 be found in violation, Your Honor. As you've had the
21 opportunity to hear, Your Honor, the statute does indeed state
22 that every person who intentionally makes an obscene display or
23 exposure of his person shall be found guilty of a Class 1
24 misdemeanor.

25 Your Honor, I believe that we presented evidence here

1 today that would discredit the intent of the party, or the
2 intent of Mr. Hill. One of the elements that we are faced here
3 with is the intent element here. Your Honor, I believe that
4 the Government, one, has not provided the intent and, two, that
5 this Court has the opportunity to determine the facts that were
6 presented today to determine whether the intention of the party
7 was to make an obscene display or expose himself -- exposure of
8 himself.

9 Your Honor, you had the opportunity to hear from his
10 mother, who stated that at the time of this incident that there
11 has been evidence that there was some carbon monoxide that had
12 been displayed in their home, and based on that, Your Honor,
13 she went further to state that in her research, Your Honor,
14 when it comes to carbon monoxide, that based on that research,
15 that it does causes some level of delusion, some level of --
16 they even talked about -- she even discussed possibly that they
17 were beginning to have some headaches, that there were some
18 things that --

19 **THE COURT:** How do I rely on that in this hearing?
20 That's hearsay, and it's --

21 **MS. PRYOR:** It is hearsay.

22 **THE COURT:** I mean, it's not -- it's scientific
23 evidence, and there's no indication she's qualified to -- I
24 don't even know what her source was, whether it was Wikipedia
25 or what have you. So I am concerned about whether there's

1 enough scientific foundation for any conclusions about the
2 effect of carbon monoxide.

3 **MS. PRYOR:** Your Honor, we do understand that, Your
4 Honor, but the factual part of what she did state was the
5 things that affected her, Your Honor, and the things that she
6 did, who has been his caretaker -- the things she saw affect
7 him.

8 So, Your Honor, we would state that there was some
9 level of affect that was going on that can be determined just
10 to Mr. Hill presently, Your Honor, that would show some level,
11 and then to actually have the evidence that there was some
12 carbon monoxide and to begin to start the process of fixing it.

13 So, Your Honor, we would state that Mr. Hill, based
14 even on this -- based on this statute, that the intent factor
15 has not been met here today, Your Honor, and that he should not
16 be found in violation of his release conditions, Your Honor.

17 **THE COURT:** Okay. I am going to find that the
18 preponderance of the evidence demonstrates that Mr. Hill did
19 violate the condition of release by violating the Virginia Code
20 18.2-387. As the officer testified, it's actually the local
21 version, but it's apparently the same statute, and that's what
22 he's charged with in that he did intentionally expose himself
23 and make an intentional either obscene display and actually
24 exposure -- intentional exposure of his person. The
25 photographs are evidence of that.

1 He's also seen, by the officer's independent
2 testimony, to have been naked at the time and was running
3 around the neighborhood. So I credit the testimony of Sergeant
4 Jones and find him to be credible and that about September 21,
5 2018, that the Defendant was naked and running around
6 Martinsville, Virginia, taking pictures, which are indicated in
7 the Government's exhibits.

8 As to the testimony about intent -- or the argument
9 about intent, the evidence on a preponderance basis
10 demonstrates that Mr. Hill intended to do this. The story
11 about him being forced to do this by another individual finds
12 no support in the record. It's also inconsistent with some of
13 the information that's testified to by Sergeant Jones, who -- I
14 went back and was just checking his testimony, who did say that
15 the other individual, the male, asked him to -- or demanded he
16 take pictures. There's no testimony by anybody that there was
17 any kind of threat like that made, and the camera that
18 allegedly was given to Mr. Hill to take these photos, it
19 strikes me as virtually impossible that it would contain a copy
20 of the Defendant's own court records. So that's inconsistent
21 with that story as well.

22 So I'm going to find the preponderance of the
23 evidence demonstrates the Defendant violated Virginia law by
24 indecently exposing himself at the time alleged. So I'm going
25 to find as well that the violation was willful and without

1 lawful excuse.

2 He originally was convicted of a Class C felony.
3 He's a Criminal History Category I. This is a Class C
4 violation. The guidelines provide a 3- to 9-month advisory
5 imprisonment range. The most that can be imposed on him is 24
6 months.

7 As to supervised release, the original term of
8 supervised release available under the statute is, I believe, 5
9 years to life. He had had 10 years of supervised release
10 imposed by Judge Osteen, but the term that's available could be
11 5 years to life under the statute.

12 I will say it would be my intention to work off the
13 10 years and work -- and consider nothing more than the 10
14 years that Judge Osteen -- that's the maximum that I would
15 consider for supervision. Does that make that clear?

16 **MS. PRYOR:** Thank you, Your Honor.

17 **THE COURT:** That would be my intention, but I would
18 be glad to hear from you all as to that.

19 So do you agree or disagree that those are the proper
20 guidelines?

21 **MS. PRYOR:** That was the proper guidelines, Your
22 Honor.

23 **THE COURT:** Mr. Ramaswamy?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** So I've got about 10 minutes, and we can

1 continue this, if we need to, in the morning or on another
2 date. I would be happy to hear from you as to an appropriate
3 disposition in this case.

4 **MS. PRYOR:** Thank you so much, Your Honor.

5 Your Honor, today we are asking Your Honor -- I would
6 note, and I think you heard on testimony as well, that Mr. Hill
7 was on a federal detainer. I believe it began on December --
8 we tried to come to a date about, but I believe it was around
9 December 21 of 2018, and he was held into custody until May 14
10 of '19. So, Your Honor, that's give or take about 6 months
11 already.

12 This violation, as you note from the guidelines, Your
13 Honor, is a -- falls within that period of time, Your Honor. I
14 believe 6 months is, I believe, in the revocation that they
15 were asking for. It was around the middle, which would put us
16 right at that 6-month period.

17 Your Honor, we would ask that you would give him
18 credit for time served for that particular time, to continue
19 him on supervised probation that you've -- I mean, I'm sorry,
20 supervised release, Your Honor, pending that, but, Your Honor,
21 I do believe that he has served and he was -- as we can recall,
22 he was on that detainer, Your Honor. He could not leave, of
23 course, or if he even -- with the bond. So we can conclude
24 that he definitely was on a federal detainer at that time. He
25 did get released on conditions from the Virginia -- from

1 Virginia, and so that would also conclude that he did have that
2 time and it was through the Federal Government.

3 **THE COURT:** Will the Bureau of Prisons give him
4 credit for the time that he was sent to Butner as time-served
5 credit or not?

6 **MS. PRYOR:** I'm not sure, Your Honor. I actually
7 called the Bureau of Prisons before so I could know that
8 answer. That was actually my question as well. Your Honor,
9 I'm not sure how that process works, and I was waiting on
10 someone to call me back from the Bureau of Prisons. And I
11 believe the attorney was supposed to call me back in order to
12 conclude that or give us an estimation of whether the Bureau
13 does consider time when you're determining competency, whether
14 that time is conclusive or does it even give them credit for
15 that when it comes to a sentencing term.

16 So, Your Honor, I don't have that answer. I would
17 like to, of course, get that answer, Your Honor, because as I'm
18 standing here asking for you to use it as credit, I can't
19 factually or be able to --

20 **THE COURT:** I understand.

21 **MS. PRYOR:** Okay. Thank you.

22 **THE COURT:** Anything further?

23 **MS. PRYOR:** So, Your Honor, I would ask -- of course,
24 that is the sentence that they have requested, but, Your Honor,
25 we would ask the Court for the bottom of the guidelines, Your

1 Honor.

2 I would remind the Court that he does have autism. I
3 remind the Court that he has OCD. I remind the Court that he
4 does have some debilitating health issues that he does have
5 that deals with his diabetes.

6 Your Honor, Mr. Hill in custody or in prison is very
7 destruction to him as a person, who does see things and
8 perceive things, of course, differently than we do as being on
9 the autism spectrum.

10 **THE COURT:** Is he still in custody now?

11 **MS. PRYOR:** He is not in custody now.

12 **THE COURT:** He was released May 14?

13 **MS. PRYOR:** He was, Your Honor.

14 **THE COURT:** From Butner?

15 **MS. PRYOR:** No, he was released from court, Your
16 Honor. He actually got out of Butner I believe it was around
17 February, and then he was -- then he went back to court, and
18 then he was released on conditions.

19 **THE COURT:** So he was released from Butner in
20 February?

21 **MS. PRYOR:** He was released from Butner in February.
22 They sent him to another custody situation, I guess, just in
23 the process, and some things -- and this is why I bring this
24 up, too. Because of his autism, he has some issues in the jail
25 with one of the wards, and they were supposed to send him back

1 directly after, but they put him in some level of solitary in
2 another jail.

3 All in all, he didn't get back, of course, until
4 May 14, and so that's why I stand here and ask for the credit,
5 because I would hope that the Court would -- and I say that
6 because we do understand that you've made that he has violated
7 this, and based on that, there is a punishment that must go
8 with it; but, Your Honor, I would state because of his
9 condition and because of OCD and because of autism, the courts
10 and BOP, having to learn to deal with someone with autism, I
11 don't believe that they are there yet, which makes it difficult
12 on the person. And because of -- you know, because of that,
13 Your Honor, I would ask that if you do find that you want to
14 sentence him, there are some other alternative ways of
15 sentencing him. He's been successful, as you heard from his
16 probation officer, being at home, home detention where he
17 cannot leave --

18 **THE COURT:** Before you go on further, let me just see
19 what the Government's position is, but I don't know if they're
20 opposing. He's essentially been incarcerated now for close to
21 6 months, in some form or another.

22 Are you opposing some kind of sentence that would be
23 in effect a time-served sentence?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** Okay.

1 **MS. PRYOR:** And so, Your Honor, there are some other
2 alternative ways of doing prison -- or doing punishment. As
3 you heard, Mr. Hill has been successful with being at home. He
4 can be placed on home detention. He can have an electronic
5 monitor. He can be placed on home detention for up to 6
6 months, even up to a year, if Your Honor so requires.

7 Him being at home, he has the opportunity to -- I
8 mean, he won't have the opportunity to leave. His family does
9 travel, and they do enjoy traveling. He won't have the
10 opportunity to travel, some of the things that he takes -- some
11 of the things that he enjoys doing.

12 Your Honor can also make it any other conditions
13 that, of course, Your Honor would provide, but, Your Honor, I
14 would ask because of what he -- because he's been successful
15 through his probation of showing that he is consistent about
16 sending his report, he's consistent about contacting them, he's
17 consistent about making sure that they know where he is at all
18 times, he's consistent about being respectful to the officer,
19 so I would state that having him at home with his family and
20 even if -- like I say, even if it's more closed in where he
21 cannot leave the home I think would still satisfy the
22 punishment that is here.

23 As you heard, he does -- I believe they stated that
24 he walks that trail even during the daytime. So he does enjoy
25 going outdoors. So having the -- where the Court would tell

1 him he could not go outdoors anymore is a punishment as well.

2 So, Your Honor, I do believe that you can satisfy the
3 factors here of the condition of him being at home on
4 detention. Whether 6 months to a year, you can satisfy the
5 condition of whether it would be a deterrence because, as you
6 note, Mr. Hill does like to travel with his family. So that is
7 the deterrence, that he won't be able to travel.

8 And being with his autism, his mindset and what he
9 thinks is differently than what it is for us or any other
10 prisoner that we could sentence to custody. His punishment is
11 just the violation, being sentenced to -- him being violated.
12 That's the difference of the sentence that he gets here today.

13 So, Your Honor, I would just ask that you would
14 consider those other alternative ways of punishment today and
15 that you would sentence him within the guidelines but through
16 alternatives ways of doing it.

17 **THE COURT:** All right.

18 **MS. PRYOR:** Thank you.

19 **THE COURT:** All right. Mr. Ramaswamy?

20 **MR. RAMASWAMY:** Your Honor, I don't wish to
21 prolong -- I don't wish to speak so long that the Court is
22 going to miss any deadlines.

23 **THE COURT:** Well, how long do you want to speak?
24 What is it the Government's arguing for?

25 **MR. RAMASWAMY:** I would first say that the Defendant

1 is a registered sex offender who spent at least three hours out
2 that night naked, photographing himself for some unknown
3 reason. And the Court has also heard testimony that there were
4 other reports of a naked man in a stocking cap, and he's shown
5 wearing a stocking cap prior to this, and that there were no
6 such reports after Mr. Hill's arrest.

7 This is not Mr. Hill's first violation. He was not
8 revoked last time, and I'm not saying that would have been
9 appropriate; but on these facts, it is completely appropriate.
10 The probation officer is recommending the high end here. Under
11 the Chapter 7 limits and not going into Protect Act, I would
12 concur with that. I would ask the Court to sentence him to the
13 9 months. I don't know if whatever time he spent in the
14 evaluation counts. I can't say.

15 **THE COURT:** Should I take that into account? I mean,
16 he was essentially locked up for 6 months.

17 **MR. RAMASWAMY:** Yes. I'm not saying it's not
18 appropriate that the Court take it into account, but I don't
19 think simply telling Mr. Hill to stay at home and make him wear
20 a monitor -- he's proven he can't self-regulate. He's
21 consistently denied the offense conduct of the original
22 offense, of the other violation. It's always some nefarious,
23 outside force that makes Mr. Hill do things, now from someone
24 handing him a camera until, here, carbon monoxide. Mr. Hill
25 has consistently shown he doesn't take responsibility for what

1 he does, and he's inappropriate to trust in the form of
2 self-regulation.

3 **THE COURT:** What role does his autism play in all of
4 this?

5 **MR. RAMASWAMY:** I think we're all familiar with
6 what's in the reports as to his mental state. More than the
7 autism, there is the diagnosis of delusional disorder. That is
8 in his prior records. I think the Court has dealt with persons
9 with autism before, and that's a larger topic to get into than
10 here. I think we've all been considerate. The Government, the
11 Court, the Court in the original case, counsel has been
12 considerate of the Defendant's mental condition, but on this
13 conduct, there is an overriding concern of public safety.

14 Even at the high end of what's recommended, it's
15 likely lower than someone without Mr. Hill's condition would
16 have gotten on these facts.

17 **THE COURT:** So what's the punishment for this in
18 Virginia? He's been convicted. What has he been sentenced to?
19 Do you know?

20 **MR. RAMASWAMY:** I don't know what the original
21 sentence was.

22 **THE COURT:** Ms. Pryor probably knows. What was his
23 sentence?

24 **MS. PRYOR:** Your Honor, he was given credit for
25 time -- he was given credit for time served. I believe it was

1 a 60-day sentence, Your Honor, because it's less than a year.

2 **THE COURT:** Okay. Was that in addition to the 6
3 months he was in federal custody?

4 **MS. PRYOR:** No, that was not, Your Honor.

5 **THE COURT:** All right.

6 **MR. RAMASWAMY:** Thank you, Your Honor.

7 **THE COURT:** Mr. Hill, is there anything you would
8 like to say on your own behalf before I make a decision as to a
9 disposition of your case? Let me say to you that you have no
10 obligation to speak. You enjoy the right to remain silent
11 under our Constitution. If you wish to remain silent, I will
12 not hold that against you. On the other hand, if you would
13 like to say anything before I make a decision, this would be
14 the right time.

15 **THE DEFENDANT:** Respectfully, yes, I do, Your Honor.
16 I would like to bring up that I have been involved in a 2255
17 motion since 2017. If I have to admit guilt to something I did
18 not do, I would be committing over five acts of perjury. So am
19 I going to be required by the probation office to commits acts
20 of perjury, because I kept saying under penalty of perjury, I'm
21 innocent? I filed something that the guilty plea cannot be
22 valid if I withdrew it. The 2255 is still pending before
23 this Court, and to force me to admit guilt to something I did
24 not do is detrimental and puts me at risk of multiple perjury
25 charges.

1 And the carbon monoxide -- I have a lot of proof,
2 Your Honor. I've got sinus tachycardia. I've got abnormal red
3 blood cell count, abnormal white blood cell count. All these
4 are in medical records, and the National Institute of Health --
5 my mom has documents from the National Institute of Health and
6 government agencies saying that carbon monoxide can be linked
7 to all kinds of problems that I had had last year, like
8 psychosis and hallucinations. And I have credible government
9 documents that all backs up everything I'm saying. That's why
10 I sent a letter to Martinsville Police Department on the
11 conduct, apologizing and saying that, look, carbon monoxide
12 caused this.

13 There might be a guy in a hoodie. There was a
14 threatening greeting card that my mother did receive that said
15 they will do a controlled action against my mother if she
16 doesn't stop putting stuff on YouTube. If she doesn't stop
17 what she's doing, they're going to commit a controlled action
18 against her. That was July 2018.

19 Your Honor, there's a lot more evidence that couldn't
20 be presented at this hearing. We needed more time. That's why
21 I filed the notice of interlocutory appeal. We would have had
22 witnesses to come and testify. We need more time, and I need
23 to go through the state appeal because I am actually innocent.
24 According to my lawyer, Scott Albrecht, the public defender of
25 Martinsville, he said, you are innocent because you did not

1 engage in obscene-type conduct. And that means, you know, I
2 never masturbated. I never did anything sexual. I was just
3 naked. So he said that I am legally innocent under the
4 Commonwealth of Virginia. That's why I'm appealing it so that
5 I could be found actually innocent, and I plan to file a motion
6 for the writ of actual innocence in Virginia. Even though it's
7 normally sent to -- you know, felonies, I'm going to try to
8 push for it, and I'm going to ask the Attorney General to have
9 me found actually innocent because I am actually innocent.

10 **THE COURT:** All right, sir.

11 Can I speak to the probation officers briefly,
12 please?

13 (Off-the-record discussion.)

14 **THE COURT:** All right. I've already found by the
15 preponderance of the evidence that the Defendant violated the
16 valid conditions of his supervised release, and the violation
17 was willful and without lawful excuse. I'm going to order that
18 the supervised release term be revoked.

19 I've considered the factors under 3553(a) that apply
20 under 3583(e) in this case, and one of the factors is the
21 nature and circumstances of the offense. Here, the Defendant
22 was exposing himself throughout the city of Martinsville, and
23 the photos are part of the record in this case, which indicate
24 how he exposed himself, which is proof of the exposure, which I
25 found to be a violation of the indecent exposure law in

1 Virginia.

2 Another factor is the history and characteristics of
3 the Defendant. I've considered the multiple factors here
4 indicated, including the Defendant's autism and his OCD, the
5 diabetes, his age.

6 And I'm concerned about deterrence because this is
7 the second hearing we've had on revocation. The exposure in
8 this case was intentional and purposeful. There's really no
9 way to explain otherwise. He's running around naked, taking
10 pictures of himself and posing for the pictures of his
11 genitals, and he's doing it in the open in the public. How he
12 would have thought he'd never have been caught by this is kind
13 of hard to fathom, but maybe because it's 3:00 in the morning.

14 I'm trying to take into account and give heavy
15 deference to the fact that I know he has autism. On the other
16 hand, he's extremely articulate in his various filings with the
17 court and his allocution. Mr. Hill is very capable of
18 explaining things. It may not always be rational, but he's
19 capable of explaining things. So I am trying to distance all
20 of that.

21 In this case, I'm taking into account the fact that
22 he's been in federal custody since December 21st.

23 **MS. PRYOR:** Yes, Your Honor.

24 **THE COURT:** I'm going to impose the 9 months. That's
25 within the guideline range that the probation office has

1 recommended. That is the high end of the guidelines.

2 As a practical matter, that's, I think, 3 months from
3 now, roughly 3 months from now, because I am anticipating that
4 he should be getting credit for all of his time since
5 December 21st because he's been in federal custody. Whether
6 he's been at Butner being evaluated or wherever he was, he was
7 in still in federal custody.

8 So my sentence of 9 months is under the understanding
9 that he's getting credit for his time since December 21. It's
10 also acknowledging that he's been in state custody before that
11 and was punished in state custody, but the violations of
12 supervised release, generally speaking, run consecutive to
13 state punishment. And in this case, I think that's an
14 appropriate punishment.

15 The willfulness of this violation is what still
16 strikes me. Even though I know he's autistic and he has
17 issues, it's hard to deny the willful, intentional conduct
18 here.

19 So I'm going to order that Mr. Hill be committed to
20 the custody of the United States Bureau of Prisons for 9
21 months. As I've said, that's with the intention that that
22 would essentially be running from December 21, 2018, to the
23 present because he would be getting federal credit for that
24 time.

25 I am going to reimpose 9 years of supervision in this

1 case under the same terms and conditions already disclosed in
2 this case.

3 All right?

4 **MS. PRYOR:** Your Honor, I do have a question. If the
5 attorney or -- once they do return my call, if they do not give
6 him credit for that 5 months that he was in custody, is that
7 still Your Honor's position?

8 **THE COURT:** No. My belief is he should get that
9 credit. So my sentence is based on the understanding that he
10 will be getting credit since then. What I guess I would tell
11 you is it will take me a few days to get the judgment prepared.

12 **MS. PRYOR:** Yes, Your Honor.

13 **THE COURT:** I would encourage you to check with the
14 Bureau of Prisons and be sure about that. If that's a problem,
15 let me know, and under Rule 35, I think it is, I will regard
16 that to be a mistake in fact.

17 **MS. PRYOR:** That's correct.

18 **THE COURT:** Unless there is an objection by the
19 parties, I would consider making that change to reflect that.

20 **MS. PRYOR:** Thank you, sir.

21 **THE COURT:** Anything else? Have you had an
22 opportunity speak -- oh, is he in custody now?

23 **MS. PRYOR:** He is not in custody, Your Honor.

24 **THE COURT:** He's been out of custody at the present
25 time. Is this a case where he can self-report, and is there

1 any objection?

2 **MS. PRYOR:** Your Honor, that would be my request,
3 Your Honor. His family did come all the way from Martinsville,
4 Virginia, and the probation officer and him have a great, great
5 relationship.

6 **THE COURT:** Let me ask: Is there any objection to
7 self-reporting?

8 **MR. RAMASWAMY:** For the Government, I do oppose it,
9 Your Honor. I understand Probation's position, if I'm not
10 mistaken, is he be allowed to self-report.

11 **THE COURT:** What is the Probation's view?

12 **THE PROBATION OFFICER:** Your Honor, he's followed
13 instructions thus far. I don't see why he wouldn't now.

14 **THE COURT:** Is he on location monitoring?

15 **THE PROBATION OFFICER:** No, sir, not at the present
16 time.

17 **MS. PRYOR:** Your Honor, we have no objection to him
18 being on location monitoring, but I would ask that he does
19 self-report. He's never had an issue with Probation.

20 **THE COURT:** I'm -- given the myriad of factors in
21 this case -- he's still living with his mother; right?

22 **MS. PRYOR:** He does.

23 **THE COURT:** I'm going to find he's not likely to flee
24 or pose a danger to the community under circumstances where
25 he's on GPS monitoring. So I'm going to add a condition to his

1 supervision that he be given GPS location monitoring, and he
2 can self-report then.

3 Do I have a date, Ms. Engle?

4 **MS. PRYOR:** Your Honor, this might be a stretch to
5 ask, but I believe his next court date is December 3. I was
6 wondering, Your Honor -- it's really important to him that he
7 be able to attend that hearing -- if it could be a date after
8 December 3 to report.

9 **THE COURT:** Any objection?

10 **MR. RAMASWAMY:** Your Honor --

11 **THE COURT:** It's going to take Bureau of Prisons 6 or
12 8 weeks at a minimum.

13 **MS. PRYOR:** It does, Your Honor.

14 **THE COURT:** So we'll be into November.

15 **MR. RAMASWAMY:** Given the conduct, the Government
16 does not consent to that.

17 **THE COURT:** Okay.

18 **THE PROBATION OFFICER:** Your Honor, just as a matter
19 of logistics, if he were to be released to location monitoring
20 technology, that technology should be installed immediately.
21 We would request a -- that the Court agree to a short delay of
22 the installation of that, just given the logistics of him
23 traveling back to the Western District of Virginia and the
24 Western District of Virginia installing their equipment.

25 **THE COURT:** How many days would you like before?

1 **THE PROBATION OFFICER:** Your Honor, I think we can
2 take care of that Monday.

3 **THE COURT:** So you can add that to the condition,
4 that within 7 days that it be placed at the discretion of
5 Probation. How about that? Does that work?

6 **THE PROBATION OFFICER:** Thank you, Your Honor.

7 **THE COURT:** All right. So as long as he's on
8 location monitoring, I'll set it for Friday, December 6, noon,
9 report to the U.S. Marshal in Greensboro, if he hasn't received
10 a designation.

11 **THE PROBATION OFFICER:** I apologize, Your Honor.
12 Just for further clarification, is that a home incarceration or
13 a curfew? He would need to be placed under one of the three
14 programs as well.

15 **THE COURT:** Is there a recommendation?

16 **THE CLERK:** Is it a revision? An order of release or
17 a condition of his supervision?

18 **THE COURT:** Well, I don't know -- we'll figure out
19 that in a minute.

20 **THE PROBATION OFFICER:** I would simply recommend at
21 least a curfew. With GPS, you can order a curfew that's
22 restrictive enough to monitor his whereabouts throughout the
23 day.

24 **THE COURT:** Okay. That's a -- the case manager
25 raised a good question. This is actually not a condition of

1 supervision. I think this is going to be a release condition
2 so he can remain on his own. So the magistrate judge's order
3 on release will be modified to add a condition for location
4 monitoring. You think home -- a curfew is sufficient?

5 **THE PROBATION OFFICER:** Your Honor, I believe a
6 curfew that's at the discretion of the probation officer would
7 be --

8 **THE COURT:** I will add a curfew at the discretion of
9 Probation. Probation is doing an excellent job of working with
10 Mr. Hill. I just want to make sure that he's in at night.

11 **MS. PRYOR:** Yes, Your Honor.

12 **THE COURT:** All right. I don't want him running
13 around naked anymore anywhere.

14 **MS. PRYOR:** Yes, Your Honor.

15 **THE COURT:** Does that address all those issues?

16 **MS. PRYOR:** It does, Your Honor.

17 **THE COURT:** Ms. Pryor, let me know right away if you
18 hear otherwise.

19 **MS. PRYOR:** I will, yes, sir.

20 **THE COURT:** Because the judgment will be issued here
21 shortly.

22 Have you had an opportunity to speak with Mr. Hill
23 about any appellate rights he may have?

24 **MS. PRYOR:** I have, Your Honor. He would like to
25 file his notice of appeal.

1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4
5
6 I, Briana L. Bell, Official Court Reporter, certify
7 that the foregoing transcript is a true and correct transcript
8 of the proceedings in the above-entitled matter.
9

10 Dated this 4th day of November 2019.
11

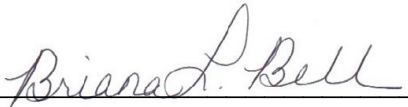
12
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14 Briana L. Bell, RPR
15 Official Court Reporter
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EXHIBIT 5
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



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**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF
MARTINSVILLE**

COMMONWEALTH OF VIRGINIA,)

v.)

CASE NO: C18-3138

BRIAN DAVID HILL,)
Defendant.)

ORDER

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

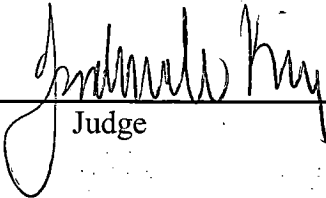
(2) A copy of any criminal record of the accused; and

(3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

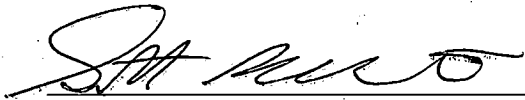
And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

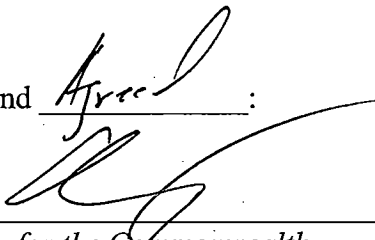

Judge

I ASK FOR THIS:



Scott Albrecht, Esq. (VSB #88411)
Office of the Public Defender
P.O. Drawer 31
Martinsville, VA 24114
T: (276) 666-2206 ext. 106
F: (276) 666-8929
salbrecht@mar.idc.virginia.gov
Counsel for Defendant

SEEN and Agreed:



Attorney for the Commonwealth
City of Martinsville, Virginia
P.O. Box 1311
Martinsville, VA 24112
T: (276) 403-5470

Michael McPherson
Retained for
Bond Hearing
10-12-18
9:45a

RECEIVED
DATE/TIME 11-28-18 11am
BY D. Allen D. Clark
MARTINSVILLE GENERAL DISTRICT COURT

EXHIBIT 6
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
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FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



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VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs.

CR19-009

BRIAN DAVID HILL,
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.


It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6th day of February, 2019.


Judge

I ASK FOR THIS:


Scott Albrecht (VSB #88411)
Office of the Public Defender
P. O. Drawer 31
Martinsville, VA 24114
276-666-2206
276-666-8929 (fax)
salbrecht@mar.idc.virginia.gov

SEEN:


Counsel for the Commonwealth

EXHIBIT 7
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
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Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs.

CR19000009-00

BRIAN DAVID HILL,
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

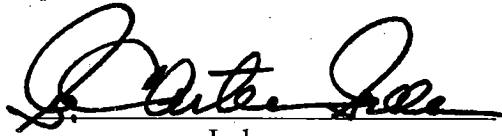
It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

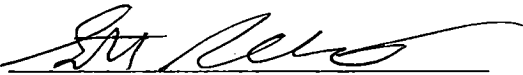
It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeble-mindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15th day of July, 2019.


Judge

I ASK FOR THIS:



Scott Albrecht (VSB #88411)
Office of the Public Defender
P. O. Drawer 31
Martinsville, VA 24114
276-666-2206
276-666-8929 (fax)
salbrecht@mar.idc.virginia.gov

SEEN:


Counsel for the Commonwealth

EXHIBIT 8

for

EVIDENCE FOR

**MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
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COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
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DAY OF CHARGE**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00**

Thursday, January 20, 2022



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Body Cameras Proving Useful for Martinsville Police

by
Wednesday, May 1st 2013



Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven



Even on a very routine call, every word spoken and every movement taken will be captured



"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassidy calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassidy.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassidy.

In the past few months, it did something they didn't even expect. When a man accused officers of assaulting his wife, Cassidy says the cameras proved the accusations false.

"Once we viewed it we were able to consult with the Commonwealth's Attorney and place charges for filing a false report," said Cassidy.

Captain Cassidy says they have used the video as evidence in many cases throughout the year. So, they say it has really done its job.

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EXHIBIT 9
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
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DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



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Interview and Interrogation of people with autism (including Asperger syndrome)

By Dennis Debbaudt

Conducting on-scene interviews of victims, witnesses, and suspects, a routine event for patrol officers, allows the officer to gather basic information such as who, what, where, when, and why. The officer uses this information to assess situations and decide on further action.

An interrogation differs somewhat from basic fact-gathering since it tends to focus more on a subject who probably is suspected of a criminal act. Different techniques, rules, and procedures apply during an interrogation. A law enforcement professional may be trained in the techniques of interrogation, the rules that apply - such as when to advise suspects of their legal rights - and what procedures to use - such as the venue, environment, or comfort level of the suspect. An interrogation is conducted when there is reason to suspect that a person knows more about or was involved in committing a criminal act.

Whether it is a simple field interview, or a more focused interrogation, dealing with persons with autism presents unique challenges and considerations.

Misleading indications of guilt

There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community. The person may have been found at or been identified by others as being at the scene or possessing knowledge of a crime.

Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.

They may possess apparently normal verbal skills but be deficient in comprehension, social awareness, and decision-making. They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt.

They may provide no eye contact at all, even when a questioner shifts their position to obtain it. The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism.

When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked. Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide.

They can easily become the object of increased scrutiny by the questioner. What started as a routine fact-gathering task may turn into an unnecessary interrogation because an officer, unfamiliar with the behaviours of ASDs may have had their law enforcement instincts rightfully aroused.

Possible traps when interrogating a person with autism

Techniques used during interrogations may include the use of trickery and deceit:

'Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will be totally ineffective' (Inbau and Reid 1967, p.196).

'Only one important qualification has been attached to the rule; the trickery or deceit must not be of such nature as to induce a false confession' (Inbau and Reid 1967, p.195).

The higher-functioning person through his or her responses, and the unaware interrogator through

their beliefs, may become unwitting accomplices to continuing a faulty investigation in the best case or, in the worst case, to extracting a false confession.

The following are some possible traps that interrogators can fall into when conducting the interrogation of a person with autism.

Memory Skills

Interrogators should understand that the person with autism may have highly developed memory skills. The person may have learned to commit facts or the statements of others to memory: This rote skill may allow him or her to quickly assimilate and regurgitate data. The individual may be more proficient in his or her expression of these facts than in comprehension of them. He or she may have developed a sophisticated form of echolalia, echoing and repeating the words of others. For example, the person with autism could memorize the allegations of a citizen overheard at the scene, facts inadvertently provided by a first-responding officer, and details of some of the circumstantial evidence that an interrogator has revealed during questioning. Under these circumstances, the person with autism could provide a very convincing untrue statement or false confession. At the least, this knowledge could be misconstrued as real familiarity of facts that only a guilty person could know.

The Interrogator as Authority Figure

Persons with autism may have been conditioned through their lifetime to look to authority figures to make many of life's important decisions for them. They have learned to depend on and trust these authority figures to be right. The interrogator may be viewed as another authority figure that is always right. 'If he thinks I robbed the bank, maybe he's right' is a conclusion that the confused person with autism may develop during an interrogation.

Friendly-Unfriendly

Persons with autism may have a hard time developing friends. They may seek the friendship of others, only to be continually disappointed. They may repeat social gaffes that others find repelling, and they may learn little from these friend-seeking experiences. Although they may not have learned how to make a friend, this will not stop them from trying.

The interrogation techniques of friendly-unfriendly interrogators have the potential to produce false confession from such persons. 'The friendly-unfriendly act is particularly appropriate in the interrogation of a subject who is politely apathetic - the person who just nods his head as though in agreement with the interrogator, but says nothing in response except possibly a denial of guilt' (Inbau and Reid 1967, p.64). The person with autism may involuntarily give an interrogator the impression that he or she is apathetic, and may deny guilt because he or she is innocent.

The friendly interrogator may convince the trusting individual that they are, truly, their friend. The person with autism has now just made a new friend, and 'if my friend wants to know about me robbing a bank, then I'll tell him just to keep him around.' Rather than telling the truth, the person will tell his or her 'friend' what he or she thinks they want to hear.

Concrete Thinkers

Persons with autism are concrete thinkers. Jokes, sarcasm, innuendo, satire, trickery and deceit are difficult concepts for them to understand and appreciate. Their world is unadorned with pretext, pretence, sham, and dishonesty. They are naturally guileless and very honest. They are not very able liars. They expect others to be honest and they can become confused or disappointed when they are not. We have learned that persons with autism may not have a complete understanding of what is expected of them, or the consequences of their actions. They may not understand how serious the consequences of the confession will be for them. They may be led to believe that lying is what is expected of them.

Poor Liars

An interrogator may seek an admission of lying about any part of the alleged offence. The person with autism may try to respond to this new friend or authority figure with what he or she believes is the reply that is wanted. The person may truly have made a mistake; to the interrogator, it was a lie.

When asked if he or she has ever thought about committing the offence in question, the honest-to-a-fault but innocent person with autism may answer 'Yes', as opposed to the characteristic answer of 'No' from an innocent person. While both persons only thought in passing about

committing such an offence, the 'normal' person would not consider answering yes. The concrete-thinking autistic person may answer the question as it is asked, causing the interrogator to continue the probe.

It is possible that the person with autism has learned through experience to lie. But her or his attempts to lie will be done poorly. An interrogator should ask a series of unrelated questions to determine the person's ability and potential for lying. This should be done prior to asking questions that are pertinent to the matter at hand.

Tips for the interviewer/interrogator

The interviewer must be specific in what information is sought by asking questions that avoid ambiguity. If the interviewer asks, 'Did you take the money?', the person with autism may say 'Yes' whether or not she or he actually took it. It would be clearer to ask, 'What did you do?' allowing for the individual to provide a response. If you ask, 'Were you with your family or John?' the autistic person may respond, 'John', because that was the last choice of the sequence. If the question was asked again but in reverse order, the autistic person may answer, 'My family,' for the same reason (Perske 1991).

A more specific question might be, 'Who were you with?' which reduces the influence of suggestion on the subject. Obtaining a false confession is a situation for which no conscientious law enforcement officer would want to be responsible.

Some other factors investigators may consider:

- Be sure the subject understands his or her legal rights.
- Saying yes is not the same as understanding them. To the concrete thinker 'waiving your right' may mean waving your right hand.
 - To avoid confusion, ask questions that rely on narrative responses.
- Asking yes or no question is an essential and important element of determining guilt. But consider asking a series of yes or no questions to determine the style and dependability of the response. Then ask the key yes or no questions:
 - Seek the advice of a psychiatrist or psychologist who is familiar with autism. Consider contacting a specialist in autism from outside the criminal justice system.
 - Seek the advice of a prosecutor. You have a job to do and want to perform it in the best way possible. With their unusual responses to your questions, the higher-functioning person with autism may challenge all of your training.
 - Follow procedure, but also follow your gut instincts if you feel that something isn't 'quite right' with the subject of your investigation. Like the old adage, if the statement or confession is too good to be true, it probably is.

EXHIBIT 10
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022



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DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC
AND RELATED COMMUNICATION HANDICAPPED CHILDREN

Department of Psychiatry
University of North Carolina

D I A G N O S T I C E V A L U A T I O N

Patient: Brian Hill
Chart #: 60373

D.O.B. 5-26-90

Center: High Point, NC
Date: 10-19-94

Staff: Marquita Fair, Child Therapist
Allison Butwinski, Parent Consultant
Dr. Roger D. Cox, Licensed Practicing Psychologist and
Clinical Director

TESTS ADMINISTERED:

Psychoeducational Profile-Revised (PEP-R)
Vineland Adaptive Behavior Scale

REFERRAL INFORMATION:

Child's Name: Brian Hill
Age: 4 years 5 months
Address: 133 Mike Lane, Reidsville, NC 27320
Parents: Roberta Hill
Current Status: Lives at home with mother and is being served in
a preschool developmental delayed classroom at Bethany
Referral Source: Sheila Shelton
Reason for Referral: Clarification of diagnosis and educational
planning

DEVELOPMENTAL HISTORY:

Brian was born prematurely weighing 3 pounds, 13 1/2 ounces. He received phototherapy for hyperbilirubinemia and was discharged from the hospital at approximately 2 weeks of age. At 18 months, he was hospitalized for 6 days with the onset of insulin dependent Diabetes Mellitus. He currently is taking NPH insulin and Regular insulin and his diet is regulated according to the American Diabetic Association diet. At 35 months Brian was seen at the Greensboro DEC due to language delays. There were concerns regarding Brian's social relatedness and language development. It was felt that his neurodevelopmental profile may represent a form of a pervasive developmental disorder and a TEACCH referral was recommended.

Currently, Brian uses words and short phrases to express his needs. He exhibits pronoun reversals, immediate and delayed echolalia, and repeats some phrases he has heard over and over. He understands and follows simple routine commands but cannot use or answer "Wh" questions.

Though aware of others, Brian has difficulty interacting with them. He is beginning to show an interest in other children but does not initiate interactions. Brian's favorite activities include stacking blocks and listening to music. He recently has become more aware of his mother when she picks him up from school and sometimes greets her by saying "mommy". Brian occasionally becomes upset when he does not have his way and is prone to small episodes of temper tantrums.

FAMILY STATUS:

Brian lives at home with his mother, Roberta Hill in Reidsville. His mother and father are divorced and Brian does not have contact with his father. His maternal grandparents live nearby and he sees them frequently. During the evaluation, Roberta was very friendly and easy to talk to. She offered some very nice information about Brian.

EDUCATIONAL PLACEMENT:

Brian is currently being served in a preschool developmental delayed class at Bethany Preschool in Reidsville. Brian's teacher, Sheila Shelton, who attended the evaluation, felt that Brian had made very nice progress since his enrollment. She appeared flexible and willing to develop a program that considers Brian's individual needs.

DESCRIPTION OF CHILD:

Brian is a cute 4 year 4 month old boy. He was appropriately dressed in long pants and a long sleeved shirt. He was accompanied to the TEACCH Center by his mother, Roberta Hill.

BEHAVIORAL OBSERVATIONS DURING TESTING:

Relating, Cooperating, and Human Interest:

Brian, joined by his mother, accompanied the examiner to the testing room. He whimpered as his mother left the room. When offered a toy, Brian immediately settled down and showed a fleeting interest in the toys on a table. At the start of testing, Brian resisted joining the examiner at the work table. When he became upset, his language consisted largely of echolalia. Although he frequently whined when he did not get his way, he never actually cried. Brian's behavior was unpredictable when he attempted to engage in an activity. When materials were presented, Brian perseverated with them, making it difficult for him to relinquish materials when the task was completed. For example, Brian continued to fuss and ask for bubbles and play-doh

even when they were put away. He asked for the bubbles so often that they were eventually used as a reinforcer when he completed tasks.

Brian's attention to test items varied depending on his interest in the task. When he showed an interest in the items presented, he resisted putting them away. For example, Brian enjoyed doing puzzles, matching colors, and copying shapes. When he was instructed to put them away, he whined and said "do again, do again". Once he became familiar with placing the completed tasks in the "finished basket" it was easier for him to continue on to the next task. He showed limited interest in the kaliedoscope and counting which resulted in him placing incomplete tasks in the "finished basket". Brian was distracted by noises heard outside the door and in the observation booth, which made it difficult to redirect him back to tasks.

Brian was always aware of the examiner's presence. Eye contact was frequent and usually brief. He initiated social interaction by requesting the examiner to join him at the mini-trampoline and holding his hand. Brian appropriately asked for help and used gestures. He often asked for a "tissue please", returning the tissue to the examiner for disposal. He enjoyed being tickled, and although he did not ask for this activity to continue, he backed into the examiner with his arms stretched out as if to indicate that he wanted more.

Sensory Behavior:

Brian usually responded to his name by repeating it. He did not look at the examiner. He appropriately responded to various noisemakers. No unusual interests in taste or textures were noted during testing.

Play and Interest in Materials:

Although Brian often resisted sitting at the work table, he was able to focus on materials when they were presented. He was usually creative in how he used many of the materials. For example, when he used blocks, he made a three dimensional design twice and called them "pyramids". Another time he used the blocks to build "towers". As he identified letters, he told the examiner what each letter stood for; "G for goose", "A for apple", and "Y for yarn". When he used the scissors, he cut out shapes (rectangle and square) and identified them. Brian had his own agenda for completing the tasks. He became upset whenever the examiner suggested that he attempt a task differently.

Brian was most cooperative with tasks that involved writing, copying, matching, and coloring. He anxiously wrote his first and last name several times although not in sequential order. Brian copied shapes, focusing his attention on the examples presented when he was not sure how to draw a shape (triangle and diamond). Brian showed little interest in playing with puppets and pantomining object use.

During free play, Brian chose to jump on the mini-trampoline, play with a toy motorcycle with a man on it, and walk up and down the

wooden steps. When he realized the steps could be turned over to be a rocking boat, he asked for help to turn it over so he could use it alternately as steps and a boat. Several times, he stood near the door and asked for his mother. However, he was easily redirected back to a play activity.

Competence Motivation:

Brian quickly understood the routine of placing finished materials in the "finished basket" to his right. He often returned to the table if he forgot to put his completed tasks in the "finished basket". Organizing three tasks at a time on a table on Brian's left helped him understand how much work he had to do before he could leave the table to go play.

Brian often expressed pleasure with himself by smiling at the examiner and frequently saying "good job". Verbal praise from the examiner was also motivating to Brian.

Language:

Brian used language and gestures to communicate. At the start of testing, Brian's language consisted mostly of delayed and immediate echolalia. At times, his language was difficult to understand. He often commented during testing, but seldom directing his comments to the examiner. Brian asked questions such as, "can I blow?", "can I do bell again?", and "is this a birthday cake"? However, Brian had much more difficulty answering questions.

RESULTS AND SUMMARY OF THE PEP-R:

The Psychoeducational Profile-Revised (PEP-R) is a developmental test designed specifically for autistic and communication handicapped children. The child's performance is scored in several different function areas, and totalled to provide an overall developmental age score. Brian's overall score was 101, which resulted in an age equivalent of approximately 3 years 9 months.

On the PEP-R, Brian scored as follows:

<u>Function Area</u>	<u>Age Level</u>
Imitation	4 yrs. 6 mos.
Perception	4 yrs. 1 mo.
Fine Motor	3 yrs. 3 mos.
Gross Motor	3 yrs. 1 mo.
Eye Hand Integration	4 yrs. 7 mos.
Cognitive Performance	3 yrs. 3 mos.
Cognitive Verbal	3 yrs. 9 mos.
Developmental Score	3 yrs. 9 mos

When assessed with the PEP-R, Brian's test scores indicated relative weaknesses in the motor area and relative strengths in eye-hand integration.

Brian was able to receptively and expressively identify pictures in a language book, demonstrate the function of objects, sort cards, identify numbers, and sort objects. He had several emerging abilities, including identifying objects by touch, drawing a person, and copying a diamond.

DIAGNOSIS:

Autism - mild range

INTERPRETIVE CONFERENCE SUMMARY:

Attending Brian's interpretive conference were his mother, Roberta Hill, his preschool teacher, Sheila Shelton, and TEACCH staff, Allison Butwinski and Dr. Roger Cox. Results of the test administered were shared indicating Brian has many of the characteristics of mild autism. It is felt that Brian would benefit from a classroom with a small teacher to student ratio, individualized instruction, and autistic interventions.

RECOMMENDATIONS:

1. Brian would benefit from placement in a classroom with a small teacher to student ratio. The classroom environment should be free of distractions. A specific work area should be set up for Brian with a desk and boundaries to minimize distractions.
2. The classroom teacher should be experienced in autism, and have knowledge of structured teaching techniques. A three day training is being offered November 28-30 at the Gateway Education Center in Greensboro. The purpose of this training is to teach strategies that are typically successful in working with and teaching new skills to children with autism.
3. Brian should receive one-on-one teaching sessions 2-3 times a day to develop new skills. A teacher should sit across from Brian and present materials using the routine of working from left to right. Brian will place completed work to his right in a "finished basket". This will help him understand that what he has to do is in a basket to his left, how much work he has to do by the number of baskets with work in them, and he is finished when all the baskets are gone. He should be allowed breaks away from the table between tasks. It is important that Brian understand the contingency of working first and then receiving a break.
4. Brian's IEP should reflect the acknowledgement that he is a child diagnosed with autism. Specific strategies and teaching methods recommended by TEACCH should be addressed.

5. Brian's teacher for next year should be identified as early as possible in order that a request to attend TEACCH summer training for next year can be submitted.

Marquita Fair

Marquita Fair, Child Therapist

Allison Butwinski

Allison Butwinski, Parent Consultant

Roger D. Cox, Ph.D.

Roger D. Cox, Ph.D.
Licensed Practicing Psychologist

EXHIBIT 11
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Thursday, January 20, 2022





CARILION CLINIC

CARILION CLINIC, FAMILY AND INTERNAL MEDICINE
1107a Brookdale Street
Martinsville VA 24112
Phone: 276-670-3300
Fax: 276-634-0379

5/16/2017

RE:
Brian Hill
310 Forest St Apt 2
Martinsville VA 24112-4939

To Whom it May Concern:

This is to certify that Brian Hill is my patient since 11/2014. He has a diagnosis of diabetes, seizures, autism and obsessive compulsive disorder. One or more of these condition can limit his ability to be in social situation or among people and do work.

Please feel free to contact my office if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shyam E Balakrishnan'.

Shyam E Balakrishnan, MD

EXHIBIT 12
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
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Thursday, January 20, 2022



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BRIAN HILL (174826) [DOB: 5/26/1990]

X Close  Print

DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		


Piedmont Community Services

 13 MOSS ST SOUTH
 MARTINSVILLE, VA 24112

Client Name: BRIAN HILL	SSN/Acct # 591980319 / 174826
Address: 310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939	Date/Time: 10/24/2018 9:51 AM to 10:23 AM
Insurance:	Employee Name: CONRAD DAUM / MD
Diagnosis:	Visit Type/CPT Med Note [Jail] / Nonbill
DOB 5/26/1990	
Notes: Non-Face-to-Face Service	

HISTORY
Chief Complaint: Notes:

"guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.

History of Present Illness (HPI): Notes:

local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ill's see med hx.

Past Medical / Family Medical / Social Hx: .

LEGAL HX: He would only discuss the child pron and probation violation convictions.

PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD

MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.

FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,

SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.

Review of Symptoms (ROS)
Constitutional: Notes:

sleeping ok

Eyes: Notes:

see ok

Ears, Nose, Mouth, Throat: Notes:

hear ok

Cardiovascular: Notes:

no chest pain

Respiratory: Notes:
breathing ok

Musculoskeletal: Notes:
no LBP

Integumentary (skin and/or breast): Notes:
no tattoos

Neurological: Notes:
seizure hx and diabetic foot neuropathy

Endocrine: Notes:
diabetes

Hematologic/Lymphatic: Notes:
no nodes

Allergic/Immunologic: Notes:
allergy see list

Genitourinary: Notes:
bladder frequency

Gastrointestinal: Notes:
GERD SX, episodic diarrhea

EXAM

Constitutional Vital Signs:

Musculoskeletal

Muscle strength and tone: Notes
ok

Gait and station: Notes
ok

Behavior**Appearance:** Well-groomed**Activity:** Normal**Attitude:** Cooperative**Articulation (Speech):** Normal Rate, Rhythm, Volume**Sensorium****Consciousness:** Alert**Orientation:** Full**Memory:** Intact**Attention/Concentration:** Adequate**Emotion****Affect:** Comfortable and Reactive**Mood:** Euthymic**Congruency:** Congruent**Suicidal Ideation:** None**Homicidal Ideation:** None**Thought****Thought Process:** Goal-directed**Thought Content:** Delusional**Intelligence:** Average

(based upon fund of knowledge, comprehension, and vocabulary)

Insight: Full**Judgement:** Intact**Perception:** Normal**Impression****Brief summary of present status of case:** Notes
aims=0**DIAGNOSES****Current Diagnoses:****Effective Date :** 10/24/2018**1 (F42.9) Obsessive-compulsive disorder, unspecified****Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:****Date Updated:** 03/21/2017**SNOMED:** -**2 (F84.0) Autistic disorder****Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:****Date Updated:** 03/02/2016**SNOMED:** -**3 (F29) Unspecified psychosis not due to a substance or known physiological condition****Diagnosed By :** **Diagnosed Date :****Onset Date :** **Previous Onset Date :****Onset Prior to Admission:****R/O:** No**Notes:**

Date Updated: 10/24/2018
SNOMED: -

4 (F41.1) Generalized anxiety disorder

Diagnosed By : Diagnosed Date :
Onset Date : Previous Onset Date :
Onset Prior to Admission:
R/O: No
Notes: BRITTLE DIABETES
Date Updated: 10/24/2018
SNOMED: -

WHODAS 2.0 General Disability Assessment Date:

Raw Score: Avg Score:

Cognition:
Mobility:
Self-care:
Getting along:
Life activities:
Participation:

Psych Diagnoses & Status

Diagnosis: all

Status: Stable

Medical Diagnoses & Status

COLUMBIA ASSESSMENT

1) Wished to be Dead:

Have you wished you were dead or wished you could go to sleep and not wake up?: No

2) Suicidal Thoughts:

Have you actually had any thoughts of killing yourself?: No

6) Suicidal Behavior Question:

Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

SUMMARY

Service Modality: Non-Face-to-Face Service

Current Medications:

Medication:insulin aspart U-100 100 unit/mL subcutaneous solution

Start Date:10/24/2018

Dosage:

Frequency:

Medication:olanzapine 2.5 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet

Start Date:10/24/2018

Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

Plan

Medication Changes: .

Next Appointment: Date

pm

E/M Level: 5

E/M Score: 5

Employee Signature

10/24/18 2:51 PM
CONRAD DAUM - MD
MD

Supervisor's Signature


Approved by CDAUM on 10/24/18
CONRAD DAUM, MD, MD


EXHIBIT 13
for
EVIDENCE FOR
MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
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Conrad Daum, MD

Psychiatrist

Radford, VA

Conrad Daum, MD is a Psychiatrist in Radford, VA. Conrad Daum completed their Residency at Wake Forest U Baptist Medical Center. Following their education, Conrad Daum was board certified by the American Board of Psychiatry.

Conrad Daum, MD does not participate in Zocdoc to offer online booking at this time.

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Dr. Marwa Ghabra, MD

Psychiatrist

★★★★★ (26)

VIDEO VISIT

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Psychiatrist

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Dr. Sahar Zaidi, MD

Psychiatrist

★★★★★ (8)

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Conrad Daum, MD

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Education and background

Specialties

Psychiatrist

Board certifications

American Board of Psychiatry Certification in Psychiatry

American Board of Addiction Psychiatry Certification in Addiction Psychiatry

American Board of Forensic Psychiatry Certification in Forensic Psychiatry

American Board of Geriatric Psychiatry Certification in Geriatric Psychiatry

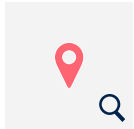
Education and training

University Of Kentucky College Of Medicine (Medical School)

Wake Forest U Baptist Medical Center (Residency)

NPI number ⓘ

Conrad Daum's office location



401 W Main St
Radford, VA 24141

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Conrad Daum does not participate in Zocdoc to offer online booking at this time. Choose from thousands of doctors on Zocdoc and book an appointment online for free.

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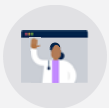
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EXHIBIT 14

for

EVIDENCE FOR

**MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE**

**Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00**

Thursday, January 20, 2022



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EXHIBIT PAGE 154 OF 164
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Durham Division



Brian David Hill,
Petitioner
v.
United States of America,
Respondent

Case #
1:13-CR-435-1
1:17-CV-1036

STATUS REPORT
OF PETITIONER
SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner") in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I, Brian D. Hill, produce these statements, subject to the penalties of perjury under U.S. Code:

(1.) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

(2.) ON SEPTEMBER 18th, 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~the~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4 PM. That was a Tuesday. Likely surveilling me.

(3) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~have~~ had an IEP when I was in school, then they (I assume she meant police) can (or may) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4) On September 20, 2018, Thursday, some of my memories may have been blacked out. I was under an extreme amount of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something ^{bad} would happen to me.

I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13/2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~area~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white told me "You ~~had~~ had better take your clothes off in public and take pictures of yourself and place the SD card around the bench ~~water~~ after the bridge." "or ~~they~~ they would kill my mom Roberta Hill." At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better fess up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be

I didn't know what to do. I kinda lost my mind when taking pictures of myself. If I didn't put on a good show would my mother be killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from ~~torra~~ail.org messages which were successfully carried out. I knew I couldn't mess with these people with a threat that serious. Out of fear and desperation I walked. Were vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench, as how would they know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a track with a spotlight at me with no way to tell who it was. I was scared so I ran and then noticed a red laser beam light like what private mercenaries, bad guys, and good guys all have. A light came on with a guy yelling at me. I didn't know who he was. I was scared it was them, going to kill me for not exactly following the "hokie" guys directives. I ran fell down the left side slope of the trail getting cuts and scrapes all over my body, until I fell in the ~~river~~ ~~bed~~ creek bed. They were down there and at that point I realized they were police.

I said over and over again while complying "I have Autism, I have Autism, I have Autism, I have Autism." I felt they couldn't hear me out. I said "I was attacked" told Sgt. R.D. Jones that I need to speak with a detective. It was probably around 3 to 4 AM at around Friday, September 21, 2018. He asked me why I was naked on the trail. I tried to explain to him as much of what happened as I could. He mistook my statement of heading towards the YMCA building with the warehouse and I told him "You don't understand Autism," maybe "are you trained in Autism?" Sgt. R.D. Jones said "how do I know you even have Autism?" I responded with Dennis Debbaut, a law enforcement trainer. He did a white paper. People with Autism can give false confessions and misleading statements. Officer you misunderstood what I said about the YMCA building," after or before my answer to his "how do I know you even have Autism?" was "it was in a federal court records." He gave me that book where he didn't want to accept anything I said. He even said "If your lying to me, I will charge you with making (or filing) a false report." I looked at him straight in the eyes and said I am not lying, even told him something about "am I supposed to let my mother be killed" or something to that effect. He still wouldn't ~~even~~ accept what I had told him. I then told him "You don't understand Autism. You are violating title II of the Americans with Disabilities Act."

5

I was being charged with "indecent exposure". I further told Sgt. R.D. Jones that I was going to win the jury trial and sue him for violating the ADA. Argument escalated to me saying to him "f*ck You". At one point things cooled down and I was in a front of the TV with a Magistrate. She, the Magistrate, brought up about my federal criminal conviction and my 2015 Probation Violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of "actual innocence" "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you are not doing anything about the drug dealers in my (or our) neighborhood" that the FBI are not doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.

I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee, she received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received formail.org ~~mess~~ message said that I was set up with child porn, that Alex Jones... and others were next. my friends

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then ~~told him a~~ told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I ~~didn't~~ didn't walked naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from formail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 formail threat said would happen.

While I am incarcerated, my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's, and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.

The Court may request a copy of my September 26, 2018 filed "Request for interview" form from Martinsville VA City Jail at P.O. Box 1326 Martinsville, VA 24112 or at 300 Clearview Drive, same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2255 case, since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Court's rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules, case law, and statutes while incarcerated; or may

(3) While incarcerated I will not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage, which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.

(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy ~~and~~ incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving, without telling my mom, will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a ~~Rule~~ Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.

I wanted to show the fraud on the court by Respondent. I give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct. N.C. State Bar, Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this \$2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27th day of September, 2018. Brian D. Hill
Signed

CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27th 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECF or by U.S. mailing. Petitioner asks Clerk to mail ~~the~~ letter certifying receipt of this pleading.

10

Brian D. Hill
Signed

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville VA 24112

Clerk: Please send letter confirming receipt.

Declaration and reCertificate of service

Brian David Hill v. United States ~~10~~ October ¹⁰ 2018

I Brian David Hill had mailed the wrong address and ~~is~~ refiled the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1, Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowledging receipt of this pleading, and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last ~~few~~ few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255.

I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Brian D. Hill
Signed

U.S.W.G.O.

Brian David Hill
Martinsville City Jail (MCJ)
P.O. Box 1326, Martinsville, VA
24112

Subject: RE: Martinsville Circuit Court, Evidence in support of Motion for Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
From: Ashby Pritchett <apritchett@vacourts.gov>
Date: 1/21/2022, 4:31 PM
To: ROBERTA HILL <rbhill67@comcast.net>

Mrs. Hill,

The Evidence in Support of Motion pleading of Brian David Hill was received and filed today in case CR09-009.

Ashby Pritchett, Clerk
Martinsville Circuit Court

From: ROBERTA HILL <rbhill67@comcast.net>
Sent: Friday, January 21, 2022 3:14 PM
To: Ashby Pritchett <apritchett@vacourts.gov>; Mark R. Herring, Esq. <mherring@oag.state.va.us>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>
Subject: Re: Martinsville Circuit Court, Evidence in support of Motion for Judgment of Acquittal, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

Hopefully Andy Hall of the CA sends a read receipt to confirm receipt of this filing as my mother Stella Forinash wanted to file a witness letter so my son has submitted this additional evidence pleading. She is willing to testify under a deposition or in a hearing.

On 01/21/2022 1:45 PM Roberta Hill <rbhill67@comcast.net> wrote:

Hey Clerk of Circuit Court for the City of Martinsville,
CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this Evidence in support of Brian David Hill's Motion for Judgment of Acquittal based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondents to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail. Also See **Video Testimony of Brian David Hill on January 5, 2022 2nd Iteration - YouTube** (Declaration under oath) - <https://www.youtube.com/watch?v=5PMaIR45MSo> which will be filed in Federal and State Courts against Glen Andrew Hall and against the Martinsville Police. This video will be filed in the Court of Appeals of Virginia requesting a Writ of Actual Innocence, my son is persistent and will

not stop until he is acquitted of his charge.

To Clerk: Please confirm by read receipt or response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at VeritasTips@protonmail.com, or go to Project Veritas website.

Roberta Hill (representative for electronic filing)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

Evidence in support of Motion for Judgment of Acquittal, case no. CR19000009-00,
Circuit Court for the City of Martinsville
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:
Brian David Hill
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

Thanks,
Roberta

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,
PLAINTIFF,

v.

BRIAN DAVID HILL,
DEFENDANT.

CASE NO: CR19000009-00

WITNESS LETTER AND AFFIDAVITS IN SUPPORT OF
DEFENDANT'S "MOTION FOR JUDGMENT OF ACQUITTAL
BASED UPON NEW EVIDENCE WHICH COULD NOT BE
ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE
OF SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS
AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER
OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT
TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY
DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS
OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED"

COMES NOW the Defendant, BRIAN DAVID HILL ("Defendant"), by and through himself pro se, and submits additional pieces of evidence to this Honorable Court in support of Defendant's "MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE

(OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

DEFENDANT SUBMITS THE FOLLOWING EVIDENCE:

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
WITNESS LETTER #1	1-11 (6-16)	WITNESS LETTER FROM STELLA FORINASH
UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT	12-15 (17-20)	UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT

DEFENDANT SUBMITS THE FOLLOWING VIDEO EVIDENCE:

Also, the Defendant’s family had uploaded a YouTube video of testimony under Oath and demonstration of physical evidence for the Court. Defendant’s family uploaded that YouTube video of Defendant’s testimony video and provided him the link to the playable video with the Court until a physical DVD disc can be mailed at a later time to be filed by the Clerk as physical evidence. Defendant hereby submits this VIDEO EVIDENCE TESTIMONY UNDER OATH, UNSWORN DECLARATION UNDER VIRGINIA LAW.

Defendant submits this YouTube video link to the Judge and the Court as evidence:

<https://www.youtube.com/watch?v=5PMaIR45MSo> - Video Testimony of Brian David

Hill on January 5, 2022 2nd Iteration

Dated January 6, 2022

Disclaimer: Link and information were all given to Defendant by family and no internet was used to obtain the link text and description text used to present this evidence.

Respectfully submitted with the Court, This
the 21st day of January, 2022.

Brian D. Hill
Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

U.S.W.G.O.

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing Motion was faxed or emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the Internet) or delivered this 21st day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: ahall@ci.martinsville.va.us	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: apritchett@vacourts.gov
--	--

The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.


Signed
Brian D. Hill

U.S.W.G.O.



Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

Jan. 19, 2022

To Whom This May Concern:

I have been a witness Brian's entire life. I read the police report that Brian was medically and mentally cleared, and I have some questions to ask this court. How is it possible that someone who was diagnosed as having insulin dependent diabetes with seizures before the age of two years old and autism before the age of three and diagnosed with OCD miraculously be medically cleared? Brian has been on SSI Disability since 1992 due to his serious disabilities and remains on SSI to this day so even though we wished it was true that when the police arrested him, he was miraculously medically & mentally cleared, he wasn't. There is no longer carbon monoxide in his house since the chimney expert removed the tin, and there have been no more episodes of his being out of the house by himself at any time, and Brian continues taking his emergency supplies with him when he leaves the house. That night according to a later police testimony, Brian was so out of it that he had no emergency supplies, nothing that would have clued the policeman to the fact that Brian was a diabetic who required insulin, glucose tester and glucose tablets. Brian was not aware that he had diabetes that night, or he would have told the police. Once the court was aware of these severe medical problems, why did his court appointed attorneys refuse to obtain a medical expert witness after Brian's grandparents & mom offered to pay for this? Is this court aware that Brian has been on a medical Medicaid waiver since 2012 and was on this when arrested and continues to be on this as I write this letter as a witness for Brian?

We have obtained 2 hospital records during the time that he & his mom were exposed to carbon monoxide in their home. On the first hospital record his mom found him in bed as she went down to check his blood glucose level at night with blood all over him and all over the bed and a bad cut on his forehead. She called 9-1-1, but Brian refused to go to the hospital until after his 3 hour OCD routine. She called us to try to help him get to the hospital faster, but we all sat in the living room while he was in the kitchen for over 2 hours longer while he continued washing his hands, arms, hair, face – blood continued coming down his face. At one point he was vomiting during that time. At another point he was having bad leg cramps, but finally he let us take him to the hospital. While at the hospital emergency room for a few hours, they tested his blood glucose several times, did a lot of blood test including one for carbon dioxide and other test. We found out later he and his mom were living in a home with carbon monoxide from a natural gas heater and natural gas hot water tank – not carbon dioxide. They sewed his forehead with staples instead of nylon due to his extensive hand & face washing routine (OCD).

On the second hospital visit even though the hospital records clearly state that he has insulin dependent diabetes, seizure history, autism and OCD and that he was brought to the hospital by the police because he was out in the nude that night by himself for hours walking around trails. The hospital did not do one blood test to see what his blood glucose level was. Is it because that is normal for someone with type one insulin dependent diabetes with history of severe seizures when glucose goes low, autism & OCD to spend the night alone in the nude walking around a walking trail for hours miles from home without any medical emergency supplies? Someone who has never done

this before? Did the police & hospital think this was normal? I can tell you right now this was not normal activity for Brian, and while this was going on, all 3 of his care givers

were in bed asleep unaware until the police came knocking on the door at about 4 in the morning. They ordered blood test and other test to be done, then they deleted those test (Why?). This is clear neglect on the part of the hospital. More than once on this hospital report, the doctor ordered for Brian to see his doctor the next day for more tests.

I was in the court room in Winston Salem, NC, when I heard this police testify. Brian's court appointed attorney asked if he knew that Brian had insulin dependent diabetes. His answer was "No", he didn't know that". Brian's attorney asked him if he knew that Brian had OCD. His answer was "No". She asked him if he knew that Brian had autism. His answer was that Brian had told him that he had autism. When she asked him if he had any training in autism, it sounded like he knew what autism was but didn't have a lot of training. Does this sound like Brian was really medically & mentally cleared as the police report said? It sounds to me like negligence from the Martinsville police department. There is supposed to be laws for people with disabilities. Does it sound like the police department was negligent in their duties of obeying any of these laws? I didn't see anywhere that after Brian told the police he had autism that an expert was called to help. Brian contacted the police department and we did too as well as his court appointed attorney asking for them to give his attorney the body cam for proof that Brian was in bad shape that night. This never happened (Why?).

I also heard Brian's mom testify in the same court about the carbon monoxide exposure in their home for over a year and how that had affected both of them. Instead of obtaining a medical expert, the judge said that he would not accept her testimony because she was not an expert even though we sent to the court as a witness US government reports of what it is like to be exposed to carbon monoxide since the court refused to obtain an expert medical witness. Brian's probation officer was also a witness for Brian. Someone placed child porn on Brian's computer in 2012 and sent emails to Brian and others admitting doing it and admitted that they would see to it that Brian stayed convicted of child porn. We have read these, obtained copies and sent copies to the federal court. We saw the report from the NC SBI that there was child porn on Brian's computer that had been downloaded for one month before the police raid and for 11 months after the police confiscated Brian's computer which sounds like what they sent to Brian's computer was a virus with child porn. Brian is innocent, and we sent proof to the court of his innocence, pages of proof that the judge did not read because never once has the judge acknowledge us as witnesses. Regardless, our proof of his innocence is on federal court records since November, 2017.

Anyway, this is the reason Brian has a probation officer and the reason this case went to NC and the reason we were hearing the testimony from the police, Brian's caretaker (his mom) and his probation officer who has been a senior Federal probation officer for several years in Roanoke, Virginia. Brian's probation officer knew that Brian was an insulin dependent diabetic with seizure history, had autism and OCD and testified that he worked with Brian, Brian's mom and his grandparents with these issues. Apparently the judge did not believe that Brian's mom or federal probation officer were credible

witnesses. He believed the police who admitted in court that he had not been aware of Brian's diabetes or OCD and really did not know a lot about autism. This conflicts with his police report which says that Brian was medically and mentally cleared. Brian's diabetes requiring insulin (since 1992), seizures (since 1992), autism (since 1993) and OCD are well confirmed in hospital and many medical records. We have seen this judge several times and believe after reading many threats Brian and others had received that this judge is owned by whoever has sent these threats to Brian in 2012, 2013 & 2015, Brian's mom in 2017-2018 and an attorney friend from another state in 2015 who wrote a letter to the court that Brian was innocent of knowingly having child porn in 2013, and we have seen a threat against Brian sent to his friend in 2012 because Brian at the time had an alternative news (USWGO) network which was a hobby he enjoyed and a chance to communicate with others, and they wanted to shut all of this down in 2012. We have seen threats sent to other alternative news people in 2013, threatening sending child porn to them to shut down their alternative news (and actually sending it, but they found it and sent to the FBI). Brian didn't see the ones on his computer. Many judges we have found out are compromised, and Brian's autism and other medical problems keep being ignored by them so that is why Brian has become very suspicious of some judges who are ignoring his constitutional rights as well as his medical history and most important proof we have in court that he is actually innocent.

Hospital did no glucose test on a type 1 insulin dependent diabetic who was walking around in the nude by himself all night. That is big time negligence by our local emergency room hospital, and the proof is on the hospital records. We have copies if

you want to see them, or you can get the hospital records yourself from the hospital. There are no results of any testing done for carbon monoxide exposure that night as well as no glucose tests were done, no testing to see if someone put drugs in his body, no testing at all from this hospital. We saw Brian's wall & especially his ceiling deteriorate & come down (Under his mom's fireplace). His probation officer commented about it. Roberta kept saying she was so tired and didn't know why. Brian complained that he was tired, couldn't think straight and kept forgetting things. Both complained of headaches (Haven't heard anything before this exposure or after this exposure about them being tired or having a lot of headaches). Roberta's head was shaking during this time. Brian's autism & OCD were getting worse, and we found out Brian took off at night by himself to go miles from home without any diabetic medical supplies and without any hand sanitizers which he always keeps with him, says he met someone in a hoody who sounded like a white guy who told him to take his clothes off and take photos of himself **or his mom** (his only caregiver – grandparents are emergency backups elderly & disabled too) **will be killed**. The police in court shows a pink camera which Brian never used a pink camera. He always takes his big black camera with him when he goes places with us. We picked up a backpack that was smaller than Brian uses and one that his mom had never seen before. Brian kept walking around for hours in the nude by himself like he didn't know how to put his clothes on. In 31 years of knowing Brian, this is the first time anything like this has happened. We would not have woken up for a few hours so we don't know what would have happened to Brian if the police had not found him, but they turned this into a criminal offence when it was clearly

a medical emergency. The Martinsville police & the Martinsville Hospital were clearly negligent in their duties that night.

I just thought that unless you or a member of your family has any of Brian's medical diagnosis, you might not understand Brian's complicated medical history, and why we say "There is no way that police report is correct unless Brian has been cured which he is not". The next 5 pages will explain Brian's medical history which is well documented in the hospital where the police took him as well as all medical records since 1992 including in the Social Security system, the Virginia Medicaid, and are still being documented by his diabetic endocrinologist specialist. My email address is kenstella@comcast.net.

Sincerely,

Stella B. Forinash

Brian Hill's grandmother

201 Greyson St

Martinsville, VA 24112

What is insulin dependent diabetic? For those who don't know: **Type 1 diabetes (previously called insulin-dependent or juvenile diabetes) is usually diagnosed in children, teens, and young adults, but it can develop at any age.**

Type 1 diabetes is less common than type 2—approximately 5-10% of people with diabetes have type 1.

What are diabetic seizures? For those who don't know. A diabetic seizure is a serious medical condition and without emergency treatment, it has proven to be fatal. Extremely low levels of sugar in the diabetic's blood cause these seizures. That is why it is so important for those who have diabetes to monitor and control their blood sugar.

What is brittle diabetes? Brian has been diagnosed with this by a few doctors. For those who don't know. Brittle diabetes occurs when diabetes is especially difficult to manage. Diabetes can be hard to manage for many reasons: Doctors have explained to us that Brian's autism – developmental problems & his diabetes works against each other causing brittle type 1 diabetes in him. People with brittle diabetes experience sudden and frequent changes in blood glucose levels for no obvious reason. The swings lead to hypoglycemia or hyperglycemia.

What is HYPOGLYCEMIA? Hypoglycemia is a condition in which your blood sugar (glucose) level is lower than normal. Symptoms: Unconsciousness; Shakiness.

What is HYPERGLYCEMIA? High blood sugar (hyperglycemia) affects people who have diabetes. Several factors can contribute to hyperglycemia in people with diabetes, including food and physical activity choices, illness, nondiabetes medications, or skipping or not taking enough glucose-lowering medication. It's important to treat hyperglycemia, because if left untreated, hyperglycemia can become severe and lead to serious complications requiring emergency care, such as a diabetic coma. In the long

term, persistent hyperglycemia, even if not severe, can lead to complications affecting your eyes, kidneys, nerves and heart.

What is Autism? For those who don't know. **Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors. Autism is a complex, lifelong developmental disability that typically appears during early childhood and can impact a person's social skills, communication, relationships, and self-regulation.**

What is OCD? For those who don't know. **Obsessive fear of germs or dirt and the compulsion to wash the hands over and over is one of the most common manifestations of obsessive-compulsive disorder (OCD). For people who suffer from OCD, hand washing goes well beyond a concern with cleanliness. It is extreme behavior whose real purpose is to lessen intense feelings of fear and anxiety. Oh, yes, I forgot to mention that Brian has also been diagnosed as having "Anxiety".**

What is SSI? **SSI stands for Supplemental Security Income. Social Security administers this program. They pay monthly benefits to people with limited income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI. To get SSI, you must meet one of these requirements: Be age 65 or older. Be totally or partially blind. Have a medical condition that keeps you from working and is expected to last at least one year or result in death. Brian has been receiving an SSI disability check since 1992 (well documented) and still receives them.**

What is a Virginia Medicaid Waiver? For those who don't know: **Virginia's Medicaid Waivers pay for a variety of supports and services for children and adults with developmental disabilities and their families who need long-term support systems to live successfully in the community rather than in institutional settings. Brian is on this list because it has more benefits in case his mom is no longer able to assist. The one that he has been on since 2012 which pays his mom to be his caregiver 40 hours a week (The rest of time she is a volunteer) is an EDCD waiver.**

What is carbon monoxide exposure? For those who don't know. **Overview. Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels. If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care. This went on for over a year. Roberta (Brian's mom's) apartment is 1500 sq ft, and Brian's apartment below his mom's is the same size, but every time they used their heater or the hot water heater, they were exposed with a build up after a year of exposure.** Continued exposure to carbon monoxide can **cause permanent brain, nerve, or heart damage.** Some people require years to recover while others might never fully recover. Does carbon monoxide make you hallucinate?

These can include agitation, confusion, depression, lethargy, impulsiveness, **hallucinations**, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Can carbon monoxide poisoning change your personality? Personality changes **may occur**,⁶ and case studies have described prominent depression, anxiety, and irritability several years after accidental CO poisoning. Residual cognitive deficits, executive dysfunction, and impairments in memory and concentration may all contribute to deterioration in mood.

There is a lot more information about it on this USA government site:
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2707118/>

Bill requiring consideration of autism, mental illness in criminal justice system passes in Virginia

Posted: Feb 10, 2021 / 08:02 PM EST / Updated: Feb 11, 2021 / 11:11 AM EST

RICHMOND, Va. (WRIC)- Advocates say a law that bars Virginia courts from fully considering a person's disability or mental illness is causing defendants with autism to fall through the cracks.

<https://www.wric.com/news/bill-requiring-consideration-of-autism-mental-illness-in-criminal-justice-system-passes-in-virginia/>

Brian David Hill,
Petitioner/Defendant

v.

Commonwealth of Virginia,
Respondent/Plaintiff

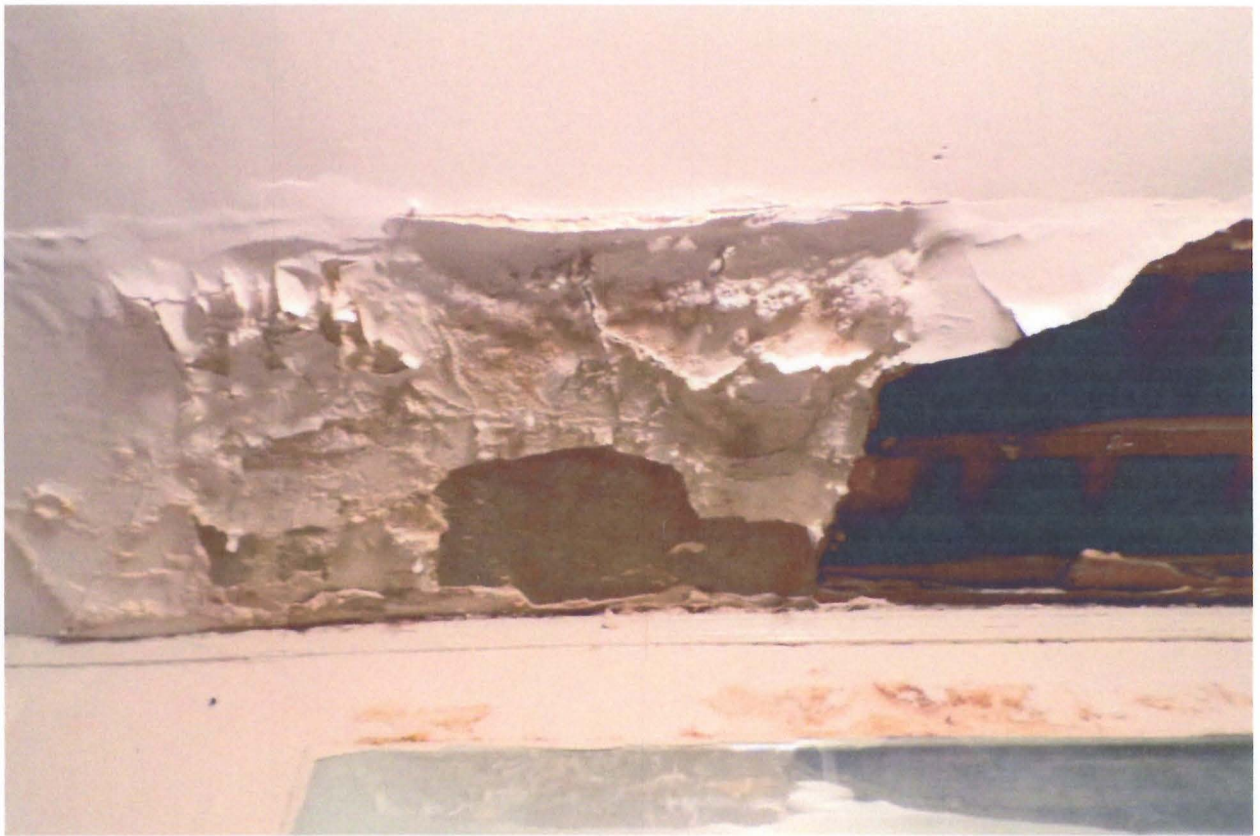
Criminal Action No. CR19000009-00

Civil Action No. _____

I, Roberta Hill, being first duly sworn upon oath, do hereby depose and state:

On January 20, 2019, I had a fireplace expert named Pete Compton of ACE Chimney & Wildlife come out to check on some water damage near the fireplace and he found out that the chimney had been completely covered in tin. He told me that carbon monoxide was coming into my apartment and my son's apartment. He said it condenses and that is what was causing the water damage in the ceiling next to the fireplace in my son's apartment.

1 | Page





I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of January, 2022.



Signed

Roberta Hill

310 Forest Street, Apartment 1
Martinsville, Virginia 24112
(276) 790-3505

Subject: RE: Martinsville Circuit Court, AMENDED MEMORANDUM, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
From: Ashby Pritchett <apritchett@vacourts.gov>
Date: 1/24/2022, 9:41 AM
To: Roberta Hill <rbhill67@comcast.net>

Mrs. Hill,

The Amended Memorandum pleading of Brian David Hill was received and filed today in case CR09-009.

Ashby Pritchett, Clerk
Martinsville Circuit Court

From: Roberta Hill <rbhill67@comcast.net>
Sent: Monday, January 24, 2022 3:12 AM
To: Ashby Pritchett <apritchett@vacourts.gov>; Mark R. Herring, Esq. <mherring@oag.state.va.us>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>
Cc: EvidenceInfo@protonmail.com; Tracy Beanz <tracy@uncoverdc.com>; Stanley Bolten <StanleyBolten@protonmail.com>; kenstella@comcast.net; Celia@uncoverdc.com; Daniel@uncoverdc.com; brian@uncoverdc.com; larry@uncoverdc.com; wendi@uncoverdc.com; VeritasTips@protonmail.com; tips@projectveritas.com; NationalFile@Protonmail.com; nsherman@ci.martinsville.va.us; jnunn@ci.martinsville.va.us
Subject: Martinsville Circuit Court, AMENDED MEMORANDUM, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
Importance: High

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

Hey Clerk of Circuit Court for the City of Martinsville,
CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this AMENDED MEMORANDUM of Evidence (originally filed January 21, 2022) in support of Brian David Hill's Motion for Judgment of Acquittal based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as ahall@ci.martinsville.va.us) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail. Also See **Video Testimony of Brian David Hill on January 5, 2022 2nd Iteration - YouTube** (Declaration under oath) - <https://www.youtube.com/watch?v=5PMaIR45MSQ> which will be filed in federal and state courts against Glen Andrew Hall and against the Martinsville Police. This video will be filed in the Court of Appeals of Virginia requesting a Writ of Actual Innocence and in his Federal Habeas Corpus 2255 motion civil case, my son is persistent and will not stop until he is acquitted of his charge.

This AMENDED MEMORANDUM also has an audio evidence link as well. My son the Defendant agrees to file an Audio CD and Video DVD with the Clerk upon request of Hon. Ashby Pritchett to have a physical copy of the audio and video evidence upon request if necessary to be a permanent piece of evidence on the record of the foregoing case in your court.

Audio evidence in this AMENDED version: <https://archive.org/details/e-3-20190924130648-i-2766344000> - My son has this audio recording on Exhibit disc ready for the federal Court to examine this evidence when Brian's 2255 motion gets filed on PACER.GOV and Courtlistener.com. Then the Feds may end up subpoenaing Court appointed lawyer Matthew ST Clark regarding his claims and coercion to have my son withdraw his appeal in the Court. My son consented to the recording of the audio, recorded the conversation as my son did not trust this lawyer due to past bad experiences with court appointed lawyers in the Feds, and had his family listen to the audio of the phone conversation. Virginia is a one party consent state and the one present in the conversation can record the conversation to be a one party consent. That is why many news reporters go undercover to initiate the conversation while recording and interview the person they record as an undercover reporter is comporting with the one party consent statute, same principle. We all heard the conversation audio which was recorded and know that Matthew was pressuring my son to just give up on proving his innocence and withdraw appeal. I believe my son was pressured and coerced. He kept complaining about being pressured into withdrawing appeal. I am willing to testify under oath about my son constantly being upset after being pressured by this lawyer to withdraw appeal and really did not want to do such a thing.

To Clerk: Please confirm by read receipt or response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

This is the rest of the evidence my son wishes to file and believes this is good enough to warrant an evidentiary hearing or acquittal or contempt hearing on Glen Andrew Hall for the spoliation of evidence. My son will be focusing on his Federal Habeas Corpus proceedings and any acquittal from this court, my son plans on notifying the Feds if that ever does happen. My son is pushing for acquittal on legal innocence because my son believes that is the only thing which will overturn his federal violation of probation conditions, based on him being innocent.

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at VeritasTips@protonmail.com, or go to Project Veritas website.

Roberta Hill (representative for electronic filing)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

Evidence in support of Motion for Judgment of Acquittal, case no. CR19000009-00, Circuit Court for the City of Martinsville
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:

Brian David Hill
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

Thanks,
Roberta

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,
PLAINTIFF,

v.

BRIAN DAVID HILL,
DEFENDANT.

CASE NO: CR19000009-00

AMENDED EVIDENCE OR
AMENDED MEMORANDUM

2ND WITNESS LETTER; AMENDMEDED WITNESS LETTER; LEGAL
ARGUMENTS AND AFFIDAVITS IN SUPPORT OF DEFENDANT'S
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW
EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME
OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF
EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA;
REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW
HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL
EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE,
ALSO LIKELY DESTROYED” --- COURT CAN CONSTRUE AS AN
AMDNEDED MEMORANDUM IN SUPPORT OF MOTION

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits AMENDED additional pieces of evidence to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF

SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

NOTE to Hon. Giles Carter Greer:

1. Defendant is aware of things after reviewing over the case files which were given to him by the Office of Court appointed lawyer Matthew Scott Thomas Clark (“Mr. Clark”), case files turned over to Defendant on November 19 or 20, 2019.

2. Defendant is willing to submit under oath that the Defendant Brian David Hill had spoken with Mr. Clark sometime in September 2019 or October 2019, at his office. You can ask Mr. Clark for the dates of when Defendant had met with Mr. Clark for discussion of the case.

3. Defendant had asked Mr. Clark about the body-camera footage, and Mr. Clark had said that it was destroyed, or he cannot get the body-camera footage for Defendant’s case. He explained that the Martinsville Police Department had an evidence retention period for the body-cameras recorded by the Police, and it concerned the body-camera footage. He might have said around 6 months retention period, but the Defendant is not sure how of the number of months as per their policy. Defendant felt that it didn’t make sense as there was pending litigation of a criminal matter and so the general evidence retention period before destruction of evidence as per Martinsville Police policy or anything of that nature should not have applied to the body-camera footage on September 21, 2018, because of a pending criminal charge in the Court. Mr. Clark tried to insist Defendant to move on from that by claiming to Defendant and his family during

the meeting that the body-camera footage may hurt his case by pushing for it. That logic makes no sense and here is why.

1. If the body-camera footage recorded on September 21, 2018, was going to hurt Brian's case, then the Police Officer and the Commonwealth Attorney would have openly used this footage on December 21, 2018, against the Defendant during the General District Court trial. If that footage was so hurtful and would have presumably harmed the case of Brian David Hill in the Circuit Court, they would have openly retained that footage and submitted it as an Exhibit for their case in chief for the Jury Trial. They would have filed a notice to use such evidence. They did not, in fact Defendant kept writing asking for the body-camera footage and those letters were ignored instead.
2. The footage would have shown the facial features and horrible medical state of Brian David Hill at the time of him being questioned by Officer Robert Jones. It would have possibly shown discolored lips which is a symptom of Carbon Monoxide Gas poisoning. It would have shown the cuts and abrasions over Brian's body when he was questioned as to why he was naked. It would have proven that Brian David Hill was not medically cleared. If a psychologist like Dr. Rebecca K. Lochrer, PhD had reviewed over the body-camera footage, she may have had a different opinion on Brian's sanity at the time of the alleged incident. She may have decided Brian was insane at the time. The body-camera footage would have drawn very serious questions about Brian's health and wellbeing after Officer Robert Jones made a blatant false statement under oath that Brian David Hill was psychologically and medically cleared at the time of his arrest on September 21, 2018.

4. Judge Greer, the body-camera footage was destroyed to prevent you, prevent the jury, and prevent the officers of the Court from reviewing over the body-camera footage which would have drawn statements under oath by Robert Jones of MPD to possibly being that of perjury or false statements before the Court. The body-camera footage was video recorded evidence and is irrefutable. That is why Defendant believes it was destroyed, to prevent the affidavit of Robert Jones and his statements of Brian being medically cleared from going into conflict with the graphic video of Brian naked with cuts and abrasions on his body needing serious medical attention. The Jury would have saw the cuts and abrasions on Brian's body in the body-camera footage and would wonder why he was discharged from the Hospital so early, so quickly, without even checking his diabetic blood glucose and checking the laboratory results of the blood specimen. Instead, the bloodwork was destroyed, and the Commonwealth Attorney knew it or should have known it. They did not want the jury to see the appearance which conflicts with the previous statement under penalty of perjury by Robert Jones of Brian being medically and psychologically cleared as claimed under oath.

5. The lawyer Matthew Clark, Mr. Clark, had made excuses and he insinuated as if it was okay for the Martinsville Police to destroy evidence because that evidence may somehow hurt Brian Hill in his Circuit Court case, but if that was the case then they wouldn't have destroyed the body-cam footage. It appears as though Matthew Clark was afraid to file a request for a contempt proceeding against Glen Andrew Hall, maybe out of fear of retaliation. Brian David Hill does not fear retaliation by Glen Andrew Hall because Brian David Hill needs to be found innocent of his charge in order for his Supervised Release Violation to be overturned in Federal Court.

6. Defendant needs to be found innocent; it is more than just a misdemeanor. Defendant needs to prove his innocence; it is his need and will. Glen Andrew Hall contended that it is only a misdemeanor in his letter to the Court of Appeals of Virginia dated April 1, 2021. Court appointed attorney John Ira Jones, IV appointed to the appeal

had never shown Defendant that letter filed by Glen Andrew Hall on April 1, 2019. Defendant was never given an opportunity to respond to the false statements in that letter making accusations against Defendant. Glen Andrew Hall is wrong that it is only a misdemeanor. He knows this, he knew Defendant is under Supervised Release and would face Federal Arrest, just like when Mr. Hall had falsely pushed the capias knowing that Defendant was under arrest as per his Federal Probation conditions and would be arrested by the Feds. He knows and had lied to the Court of Appeals of Virginia in contending that Defendant is only convicted of a “misdemeanor”. It is not just a “misdemeanor”, it is a Federal Supervised Release Violation with it. Defendant is aware of this letter after Roberta Hill made a email request to the Deputy Clerk for the Appeal Records of his criminal appeals, prior to Defendant’s intention of filing a Petition for the Writ of Actual Innocence if necessary for overturning the wrongful conviction in the future. Defendant disagrees with the Commonwealth claiming that Defendant is frivolous and contending that Defendant is only convicted of a “misdemeanor” when it is more than that. If Defendant is legally innocent of this “misdemeanor”, then this does affect the Supervised Release Violation charge and conviction in Defendant being innocent of that charge as well. Both are interlocked. Both are involved here whether Glen Andrew Hall admits this or not. If Defendant is found legally innocent of the State charge, then he is innocent of the Federal Violation.

7. Overall, it seems like the body-camera footage would have helped Brian David Hill win, shown perjury by Officer Robert Jones making out in his statement under oath in the General District Court, it’s Chief Complaint, that Brian was psychologically and medically cleared, when the body-camera footage would have proven perjury of Officer Robert Jones. A few hours in a hospital with cuts and abrasions all over Brian Hill’s body would disprove claim of medical clearing. Defendant has shown his cuts and abrasions to his family on September 21, 2018, at the Hospital, he showed the abrasions on his stomach area. So, the body-camera footage would discredit Officer Robert Jones

and the Officer would have lost in General District Court, and that would include Commonwealth Attorney Glen Andrew Hall.

8. Defendant also saw in the case files re: Brian David Hill's case which Matthew Clark had kept during the pendency of the criminal case in the Circuit Court and General District Court case files, an attempt by the Commonwealth Attorney to push for a capias against Brian David Hill on January 28, 2019, for failure to appear. Brian likes to state as fact as was brought out by the Sheriff's Office, Brian David Hill was placed on a Federal Detainer on November 15, 2018, and was arrested by the U.S. Marshals Service on December 22, 2018. Defendant was arrested by the U.S. Marshals Service according to Federal Court document attached to this AMENDED EVIDENCE PLEADING. This is prime facie evidence that the Corrupt Commonwealth Attorney Glen Andrew Hall pushed for a capias against Brian David Hill knowing that Brian David Hill was in federal custody and under a Federal Detainer on November 15, 2018. Glen Andrew Hall knew the Feds took him away and still pushed for a CAPIAS against Brian David Hill knowing that Brian David Hill was going to be transferred by release to the Feds, not out of Jail. So, Glen Andrew Hall had defrauded the Court, Judge Greer. It is time for Glen Andrew Hall to face something similar to a capias. Glen Andrew Hall should be facing sanctions for lying to a judge or judges. He continues lying or making false or erroneous claims.

9. He pushed for a "failure to appear" knowing that Brian David Hill was in federal custody at the time. The Sheriff's Office knew that Brian David Hill would not be released from Jail to be free but released to the U.S. Marshals Service or the "Feds" is what they are called.

10. I am aware of the email printed out by Matthew Clark or printed out and given to Matthew Clark somehow saying "Re: Brian David Hill", "The Sheriff's Office

confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.” That was submitted by Nancy Sherman.

11. The Federal Detainer on the last page of the attached pieces of evidence for the Hon. Giles Carter Greer prove that Brian David Hill had been served or at least the Martinsville City Jail had been served as well as Brian David Hill with a Federal Detainer on November 15, 2018. Would they notify the Commonwealth Attorney Glen Andrew Hall, Esq. about this Federal Detainer??? You can bet your money on the fact that they were notified about the Federal Detainer. Yet this Commonwealth Attorney had pushed for a capias knowing that Brian David Hill was technically in Federal custody since November 15, 2018.

12. Glen Andrew Hall has been a dirty enough attorney to push for a capias in earlier 2019 through Nancy Sherman or Jeanie Nunn knowing that the Feds had detained Brian David Hill.

13. What is Defendant getting at here? That the Court can work both ways. If the Commonwealth Attorney alleges that Glen Andrew Hall or his office believes that Defendant Brian David Hill should be charged with a capias for simply being whisked away by Federal Marshals against his will and was forcefully detained against his will and put in Federal Correctional Institution at Butner, North Carolina to undergo a Court ordered mental evaluation which was ordered in Dec 26, 2018 (Order Committing Defendant for Psychiatric Evaluation as to Brian David Hill Psychiatric Exam due by 2/9/2019. An order was later put in extending the mental evaluation). So, it is clear that there was no capias here, because Defendant was not free and there was no bond at the time. The Commonwealth Attorney knew all of that and yet acted like it didn’t happen and tried to push for a failure to appear.

14. That the Court can work both ways. If the Commonwealth can push for a capias for a situation that does not warrant such push, then the Defendant asks for the Commonwealth to be held in contempt of Court three times, for violating the Court Order asking for the discovery materials.

15. The Commonwealth Attorney and its witness Officer Robert Jones or Police Chief Officer G. E. Cassady knew about the request for body-camera footage. The reason why is because any letters mailed by Brian David Hill to the Martinsville Police during the pending case get forwarded to the Commonwealth Attorney. So, they all had known about the police body-camera footage. They knew Brian kept repeatedly asking for the body-camera footage.

16. Luckily FCI Butner, North Carolina had a photocopying machine for inmates, and luckily Brian's family mailed or put in a money order with enough money to pay for commissary items for Brian David Hill to buy copier cards to make photocopies of letters he had mailed to Police Chief G. E. Cassady asking for the body-camera footage repeatedly. Brian knew how important the body-camera footage was, and the Order for Discovery asked by you, your honor. You asked in your Order dated February 6, 2019 for the evidence which included the body-camera footage to be turned over the defense.

17. You said in your order dated February 6, 2019:

“(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to § 19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and, breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case,” (citations reformatted by Defendant, including usage of underline and bold markings to show areas of citation)

18. You said this in your written order, Hon. Giles Carter Greer. Defendant kept requesting over and over again for the body-camera footage during the video retention period and that footage should not have been destroyed during the pending criminal case litigation. That itself violates your Order and the Order of the General District Court on November 28, 2018.

19. Since the Commonwealth pushed for a capias for Defendant being in Federal Custody against his will and that shows that he could not possibly appear on January 28, 2019, the Feds would not allow Defendant to appear before your Court and the Commonwealth knew of that, and the Federal Detainer lodged against Martinsville City Jail which is under the authority of the Sheriff's Office in November 15, 2018, they knew Brian David Hill was not going home after the Trial in the General District Court, they knew Brian would have been in Fed custody but Glen Andrew Hall lies and makes out like Brian David Hill failed to appear as if willfully when that was a LIE, a big fat lie.

20. Since they were pushing for any contempt or capias or anything against Brian David Hill in 2019 for any possibly non-compliance with any Order of this Court or any Trial or hearing of this Court while Defendant was in federal custody, it will be the right thing to do to for Defendant to push for this Court to CHARGE Glen Andrew Hall with willfully violating Court Orders three different times, and for possibly lying to this Court.

21. It is the right thing to do to sanction Glen Andrew Hall, whether Defendant requests such or not. Lying to a Judge is not the right thing to do. Glen Andrew Hall is a liar. He lied in the Court of Appeals of Virginia in his STATEMENT OF FACTS in his OPPOSITION BRIEF to Defendant's Petition for Appeal (one of his petitions) that Brian worn "boots" when he was arrested for being naked. The Affidavit in the COMPLAINT by Officer Robert Jones never mentioned boots but was wearing shoes, the CRIMINAL COMPLAINT. So, it can be proven to you Hon. Giles Carter Greer that Attorney Glen

Andrew Hall is a liar, and that he had defied the General District Court's order dated November 28, 2018, and had defied your Circuit Court orders.

22. This is an AMENDED evidence and MEMORANDUM, and the letter was amended by Stella Forinash to include more relevant information here since the Commonwealth wanted to paint a picture of Brian David Hill which is untrue. Brian David Hill wanted to make sure that the Witness Letter is amended from the original one submitted on January 21, 2022.

23. There is one more piece of evidence Defendant submits to the Hon. Giles Carter Greer proving that the Defendant was not going to be able to have any appeal in the event if Defendant lost the Jury Trial on December 2, 2019, or if any Continuance was requested by Court appointed defense Attorney Matthew Scott Thomas Clark. It proves that the Feds interfered with the Criminal Trial process in this State Court, in violation of the Tenth Amendment of the United States Constitution. This piece of evidence was proof to the Circuit Court as to one of different reasons why Defendant had filed a Motion to withdraw his Appeal on November 12, 2019. The Feds did not respect the Trial De Novo and pushed for quick detainment of Brian David Hill and almost would have succeeded had Brian Hill or his attorney not orally spoken up regarding Brian David Hill's jury trial on December 2, 2019. Had it not been brought up orally by Renorda Pryor the Attorney for Defendant in the Federal case, they would have taken Brian Hill away again on September 12, 2019, and the Jury Trial would have been conducted without Brian Hill because the Feds would have taken Brian away in disrespect of the Circuit Court by the North Carolina Federal Judge, the Feds disregard for the Circuit Court, the Feds disregard for the Trial De Novo process, and the Feds disregard for the authority of Virginia.

24. The Hon. Giles Carter Greer should know that the Federal Court in Greensboro and Winston-Salem, North Carolina did not respect Virginia Law, the Federal Court did not respect the case law interpretations of the Court of Appeals of Virginia and neither of the Supreme Court of Virginia, they did not respect the Jury Trial process of the Circuit Court. Even Hon. Thomas David Schroeder said in transcript that: "So even if he were found not to be guilty beyond a reasonable doubt in a criminal court, that would not necessarily preclude this Court from finding him guilty on a preponderance basis because that's the burden of proof." Basically, the Federal Judge in Winston-Salem, North Carolina is disregarding the Virginia law laws and disregarding the findings of fact and law by the Circuit Court of Virginia or any Court law by Virginia, **complete usurpation of power by the Federal Court to coerce Brian to withdraw his appeal in the State Court.** This unconstitutional usurpation of power by the Federal Court as evidenced justifies that the withdrawing of appeal was not valid due to coercion by the Federal Court because Defendant was coerced by the Federal Court's assertion that Virginia law does not determine his guilt when the whole Supervised Release violation was over whether Brian Hill had violated Virginia Law or not. This is proof of coercion by Hon. Thomas David Schroeder for Brian to withdraw his appeal in Virginia. Page 9 of that Transcript in Exhibit 4 (EXHIBIT PAGE 38 and 39 OF 164 of the original Motion) the Motion for Judgment of Acquittal. It appears that the Federal Court did not respect the State Court process and refused to let Defendant go through his appeals. The Courts of Appeals are the main Courts of Law and judge the law rather than judging the facts. So, if a Court of Appeals found Defendant innocent, as a matter of law, then a Federal Judge had no Constitutional right to find Defendant in violation of his Supervised Release. It is no longer about a jury; it is about whether Defendant is legally innocent of Virginia Code § 18.2-387. Indecent exposure. The Federal Court interfered and thus forced Defendant to withdraw appeal, forced him into a situation.

25. Defendant has evidence of an audio recording between him and his attorney Matthew Scott Thomas Clark, and will file a copy with the Court upon request. This recording is not verbally stated as confidential, and there was no waiver of consent by Brian David Hill to record this conversation. Consent was given by Brian David Hill to record his own conversation. That audio recording was recoded by Defendant under one party consent statute and that audio recording is also being used in Defendant's 2255 Motion in Federal Court. Defendant has recorded the conversation with Mr. Clark where Mr. Clark insinuated that the Federal Supervised Release Violation and its final judgment rendered on September 12, 2019, may or may not affect the State case. Used that as another excuse to coerce Defendant to withdraw his appeal in the Circuit Court. Defendant is ready to present an Audio CD with such recording, provide a copy to the Commonwealth and to the Judge and to the Clerk upon request to expand the record. Defendant maintains this piece of evidence. This proves interference by the Federal Judge to coerce a withdraw of appeal. Not just coercion but Matthew Clark had asserted in the audio recording, that jurors from the Bible Belt will be coming in to the Trial and will wonder why he was out there naked, asserting that the Bible Belt jurors would want him convicted, the way he insinuated his arguments to Defendant to give up and withdraw appeal. Coercion is not an acceptable way to have somebody plead guilty or withdraw appeal. Coercion is not acceptable and was not done out of free will. Interference and coercion to have Defendant withdraw appeal is not rightful.

26. The Feds had set it up where Defendant would have to turn himself in to the Feds regardless of whether Brian David Hill had filed a continuance or not in the Circuit Court to find an expert witness or witnesses. Then if Defendant had arguably lost his Trial on December 2, 2019 and was arrested by the Sheriff after the verdict, he would have been charged with failure to appear in Federal custody by December 6, 2019, as ordered by Hon. Thomas David Schroeder. So, the Defendant had no ability to ask Matthew Clark to file a Motion with the Circuit Court for a continuance or go through on

State Appeal without interference because then that would likely have caused another request for a *capias*, either way he was doomed somehow and had no free will ability to prove his innocence in the State Court due to the interference by Judge Schroeder and it had caused Matthew Clark to coerce Defendant to give up fighting in the State. If Defendant had been arrested after any jury verdict of guilty, he would have gotten in trouble by the Federal Marshals because Judge Schroeder did not wait until after the State Appeals and the Courts of Law legal process would have gone through. If the Defendant had requested a continuance with the State Court, Defendant cannot guarantee appearance due to the Federal Court ordering Defendant to turn himself in to Federal Prison on December 6, 2019, to serve his Imprisonment without respecting the Virginia case laws. If the Jury Trial had lasted for more than four days, then the Defendant would be in legal trouble with the Feds for failure to turn himself into the Federal Prison on December 6, 2019. Either way, the Defendant was put in a bad position, and he is proving to the Court with this new evidence that the Feds have caused a lot of interference with the State Trial process. It's ironic, the whole Supervised Release Violation was over whether Brian had violated Virginia Law but didn't allow the Trial De Novo and it's legal interpretations of law to fully develop. This is interference by the Federal Court and the State Court needs to consider this fact as well for degerming whether the Defendant's Motion to Withdraw of Appeal was caused by coercion and interference.

27. Normally a Federal Court is supposed to exercise Judicial Restraint on interfering with a State Court Trial process until the State is done with a criminal defendant and all appeal or appeals exhausted, through comity or abstention. The Federal Court refused to let the Hon. Giles Carter Greer of this Circuit Court conduct full facts and legal contentions of whether Brian David Hill was guilty or innocent of Indecent Exposure, as a matter of law. So, the situation got tricky and required Defendant to withdraw appeal so that he could report to Federal Prison on December 6, 2019.

28. Defendant had multiple issues on why he was forced to withdraw appeal. He deserves a New Trial or Judgment of Acquittal or both.

29. Defendant wants this Court to understand that Defendant had no ability to file a continuance and had limited options because of the Imprisonment Order over the alleged charge on September 21, 2018 in the General District Court. The Defendant did not have any expert witnesses lined up partially because Matthew Clark claimed that Glen Andrew Hall would not approve of any request for payment of such expert witnesses to be paid for by the State. Defendant's grandparents agreed to pay for the expert witness for Brian Hill to fight to be found innocent, but Matthew Clark did not establish any expert witnesses and did not ask the Court for a continuance because he knew that the Defendant was revoked of Supervised Release and likely knew that Defendant was going to Federal Prison on December 6, 2019. So, the Defendant did not have the ability to clear his name in the Circuit Court in 2019. The Defendant has plenty of time for a new trial if the Judge wishes to construe his Motion as a request for a New Trial under Rule 3A:15. A judgment of Acquittal would be appropriate for clear cut evidence and law demonstrating innocence. When the law specifies clear-cut what proving lack of intent is, then having the evidence to support such law makes the FACT clear-cut and necessary for acquittal regardless of the verdict of guilty in the General District Court. The law makes it clear-cut that if Defendant has met a certain criteria, that criteria makes it a legal defense of no-intent. The clear-cut statutory reasoning makes the Defendant actually innocent aka legally innocent of his charge.

30. The evidence and law are clear cut thanks to “§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.” It is clear cut with the mental evaluation as ordered by the General District Court for competency that it demonstrated evidence of Autism Spectrum Disorder at the time of the charge. It is clear cut that the Indecent Exposure statute says, “Every person **who intentionally** makes an obscene display or exposure of his person”.

31. It is clear cut under the Law that proof of Autism Spectrum Disorder “shall be admitted if such evidence (i) tends to show the **defendant did not have the intent required** for the offense charged”. It is clear cut. Prior to this 2021st law, the finding of intent was up to the Trier of Fact, aka the Judge or Jury. That would make the interpretation of “intent” difficult to sustain as a fact of “non-intent” without a trier of fact in a Jury Trial or Bench Trial who tries the fact of disputed claims such as the defense attorney claiming that the Defendant did not have the intent to commit an act. When it is not clear cut, a Jury Trial or Bench Trial is best to let the trier of fact determine whether there was intent or not. That was prior to this new law. The Court of Appeals panel ruled in their opinion for the dismissal of Brian’s Petition for Appeal, that it is up to the trier of fact, because prior to Virginia Code “§ 19.2-271.6. Evidence of defendant's mental condition admissible...” that was the case law standard. That 2021st Virginia law could not have been brought up on direct appeal because the original Record on Appeal did not have those arguments preserved with exception to Brian David Hill preserving his Actual Innocence claim and that law had not existed at that time for that direct appeal of his criminal conviction. Defendant did not just file a Motion to Withdraw Appeal, Defendant had asked to preserve issues of his INNOCENCE even after the Court accepted the withdrawing of his appeal. He is innocent and the new Virginia Law supports his innocence.

32. However, that law had changed how a Court may rule on intent. Case law of Virginia involving “Intent” element decisions was not clear cut at the time based on older case law prior to the new law giving a clear cut definition of showing proof of a lack of intent. It would require a JURY TRIAL, prior to this law. Intent is now based on whether Defendant had Autism Spectrum Disorder at the time of the alleged incident. That was proven by the mental evaluation for competency, that Defendant had Autism Spectrum Disorder at the time of the alleged charge and offense allegation.

33. However, the new Virginia Law makes it clear cut in regards to the “INTENT” element that Defendant does not have the intent because of his Autism Spectrum Disorder pursuant to Virginia Code § 19.2-271.6. The lack of intent codified under § 19.2-271.6 now makes it possible that proving Autism Spectrum Disorder at the time of the alleged charge and incident, would prove that the Defendant did not have the intent required under Virginia Code § 18.2-387. Indecent exposure. It is not to be figured out by the Trier of Fact, it is now a matter of law as to whether the Defendant has “actual” “intent” or not. Did he actually have intent when he suffered and continues suffering from a permanent disability such as Autism Spectrum Disorder??? That is up to the law now and not the trier of fact. Defendant can be acquitted based on law and as a matter of law.

34. Defendant makes it clear with the evidence and the additional evidence submitted by the Defendant that the Circuit Court cannot convict Defendant of violating Virginia Code § 18.2-387. Indecent exposure. This Court as a matter of law must enter a judgment of acquittal or new trial or Writ of Actual Innocence based upon the evidence admitted by the Court regarding the sanity and competency evaluation proving that Brian David Hill had Autism Spectrum Disorder and Obsessive Compulsive Disorder under expert witness evaluator Dr. Rebecca K. Lochrer, PhD, the new evidence to be admitted by the Court pursuant to Virginia Code § 19.2-271.6. The Commonwealth of Virginia did not object to the original witness testimony of Dr. Rebecca K. Lochrer, PhD. At the time her evaluation report could not have been used as evidence of Defendant’s innocence because that evaluation was only to determine sanity and/or competency. However, her report to the General District Court admitted that Defendant had Autism Spectrum Disorder. That was not disputed by the Commonwealth Attorney

since the evaluation was originally conducted to determine sanity and competency. The law had changed.¹

35. It is clearcut that the Circuit Court erred by accepting the withdraw of appeal. It is clearcut that the Defendant is innocent due to Virginia Code § 19.2-271.6. Proof of Defendant lacking intent is clearcut due to Virginia Code § 19.2-271.6 due to law instead of based upon the trier of fact based on older case law prior to the passage of § 19.2-271.6. The intent element can never be proven due to prima facie evidence of Autism Spectrum Disorder, pursuant to Virginia Code § 19.2-271.6. There was no law of § 19.2-271.6 in November 18, 2019, and December 21, 2018, there was no law with a clear-cut criminal defense on intent and thus under older law it would have been up to a Jury as to whether or not Brian Hill had intent to violate Virginia Code § 18.2-387. Indecent exposure. Now with a statute making a clear-cut definition that somebody with an Autism Spectrum Disorder at the time of the alleged offense charge does not have the “intent” necessary to convict the Defendant of violating any Virginia law requiring intent (except any law violations ever marked as excluded from such defense) including Virginia Code § 18.2-387. Defendant had demonstrated that he is legally innocent of Virginia Code § 18.2-387. Defendant cannot have any intent due to his Autism Spectrum Disorder as raised by the clear cut statutory provisions of law.

¹ For the sake of brevity, Defendant will not reproduce the findings in the sealed report (report under SEAL) from Dr. Rebecca K. Lochrer of both the evidence that Brian David Hill had suffered from an Autism Spectrum Disorder at the time of the alleged offense allegation and that proof the qualified evaluator was not objected to by the Commonwealth Attorney. Defendant hereby incorporates by reference, as if fully set forth herein, all pages of the SEALED mental evaluation report as evaluated and was filed in the General District Court.

36. The Commonwealth Attorney had deceived the Court regarding the spoliation of evidence and/or about the capias while Defendant was in Federal custody as if it was necessary after the Federal Detainer filed with the Martinsville City Jail on November 15, 2018, and the Arrest Warrant that the U.S. Marshals arrested Brian Hill on December 22, 2018. Defendant had demonstrated that the Commonwealth Attorney did allow and permit spoliation of evidence despite the multiple letters asking the Martinsville Police Department to send the body-camera footage to the defense counsel or permit the defense counsel access to or a copy of it. Defendant made photocopies of those letters to the Police Chief regarding the body-camera footage because the Federal Prison FCII Butner had a photocopying machine for inmates for those who purchased copier cards from the Prison Commissary and Brian David Hill had commissary money to buy copier cards to make copies of letters mailed to G. E. Cassady, the Police Chief of the City of Martinsville. Defendant had demonstrated that Glen Andrew Hall either deceived the Court or allowed destruction of evidence in violation of the three Court Orders or both.

DEFENDANT SUBMITS THE FOLLOWING EVIDENCE:

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
AMENDED WITNESS LETTER #1	1-10 (27-36)	WITNESS LETTER FROM STELLA FORINASH
UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT	11-14 (37-40)	UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT
WITNESS LETTER #2	15-22 (41-48)	WITNESS LETTER FROM KENNETH R. FORINASH
WARRANT FOR ARREST OF SUPERVISED RELEASE	23-23 (49-49)	WARRANT FOR ARREST OF

VIOLATOR In December 22, 2018, PROVING CAPIAS WAS WRONGFUL		SUPERVISED RELEASE VIOLATOR In December 22, 2018, PROVING CAPIAS WAS WRONGFUL
PHOTOCOPY OF SERVED FEDERAL ARREST DETAINER DATED NOVEMBER 15, 2018	24-24 (50-50)	PHOTOCOPY OF SERVED FEDERAL ARREST DETAINER DATED NOVEMBER 15, 2018
JUDGMENT AND COMMITMENT, Supervised Release Violation Hearing dated October 7, 2019	25-26 (51-52)	JUDGMENT AND COMMITMENT, Supervised Release Violation Hearing (WHOLE ORDER, two pages of 16 page Federal filing but the rest aren't relevant and material to the facts presented in this pleading)

52 pages total

DEFENDANT SUBMITS THE FOLLOWING VIDEO EVIDENCE:

Also, the Defendant's family had uploaded a YouTube video of testimony under Oath and demonstration of physical evidence for the Court. Defendant's family uploaded that YouTube video of Defendant's testimony video and provided him the link to the playable video with the Court until a physical DVD disc can be mailed at a later time to be filed by the Clerk as physical evidence. Defendant hereby submits this VIDEO EVIDENCE TESTIMONY UNDER OATH, UNSWORN DECLARATION UNDER VIRGINIA LAW.

Defendant submits this YouTube video link to the Judge and the Court as evidence:

<https://www.youtube.com/watch?v=5PMaIR45MSo> - Video Testimony of Brian David

Hill on January 5, 2022 2nd Iteration

Dated January 6, 2022

Disclaimer: Link and information were all given to Defendant by family and no internet was used to obtain the link text and description text used to present this evidence.

DEFENDANT SUBMITS THE FOLLOWING AUDIO EVIDENCE:

<https://archive.org/details/e-3-20190924130648-i-2766344000> - Digital audio file of what is being filed in Federal Court in the new 2255 Motion. As part of Exhibit 3 in Brian's Federal 2255 Motion: An Audio CD disc (digital audio file located at the link given by Brian's family to present to the Court for quickly review by the Judge) containing a 21 Minute, 25 Seconds audio clip of a phone call conference recording between Brian David Hill 276-790-3505 and Attorney Matthew Scott Thomas Clark 276-634-4000. Dated September 24, 2019. File reports time of 2:27PM. Attorney/client privilege for this audio waived. Audio for Exhibit 3 for usage in Federal 2255 Motion and for Martinsville Commonwealth case as well.

37. Audio evidence proves that the Federal Court's interference with the revocation had triggered a change in Attorney Matthew Clark to insist that Defendant withdraw his appeal and accept the decision of the General District Court.

38. Defendant recommends to Hon. Giles Carter Greer that the Court can work both ways not just against Defendant or against Plaintiff, but that the other side also be held accountable. Plaintiff being attorney Glen Andrew Hall who represents the Commonwealth of Virginia. Defendant recommends that it is time for Glen Andrew Hall

to be held accountable for willful disregard of this Court's multiple Orders asking for the discovery evidence materials which includes the body-camera footage and preserving evidence of biological sample of blood obtained from Defendant on September 21, 2018. Normally evidence is destroyed to cover up or omit something. It is logical to believe that is so.

39. Normally if a criminal defendant or an individual destroys evidence of a crime, a criminal defendant or an individual who destroys evidence of a crime can face more charges for destroying evidence or obstructing justice to prevent a police officer from finding evidence of a crime. What about if the Commonwealth or Martinsville Police Department destroys evidence pursuant to a criminal investigation or charge??? Will the Commonwealth be held to the same standard as an individual who arguably destroys evidence to obstruct a Police Officer's ability to find evidence of a crime?

40. It is logical to believe that the blood vials obtained on September 21, 2018, were destroyed and that biological evidence was destroyed either by willful neglect, incompetence, or outright cover up.

41. The Commonwealth knew that Brian David Hill was involved with the Feds and the Federal Detainer filed with Martinsville City Jail gave them a few months to document and have record or records proving that Brian David Hill was in Federal Custody, and yet he pushed for a capias for January 28, 2019. Defendant filed an Americans with Disabilities Act request while in Western Virginia Regional Jail which would have clued Glen Andrew Hall in that Defendant was in a jail and not free to appear before the hearing on January 28, 2019. Yet Glen Andrew Hall disregarded whatever records or evidence may have been served upon him by the Clerk of the Circuit Court showing Defendant in detainment and Mr. Hall had treated it as if Defendant was not in custody to even push for a capias.

42. Also, another piece of evidence is with the staff of the Circuit Court. Review over email: “RE: Request for ADA Accommodation” by “Donna Morris <dmorris@vacourts.gov>”; email date: “Thursday, January 17, 2019 3:16 PM”. That email as part of the Record of the Circuit Court “CORRESPONDECE” would have also been served with the Office of the Commonwealth Attorney and the Public Defender. It said an ADA Accommodation request was mailed from Brian David Hill “#00-21123, Western Virginia Regional Jail”. This also proves that Defendant was in Federal custody or some kind of custody in January 2019, and that Glen Andrew Hall should have reasonably known as this as the Commonwealth’s Attorney gets notifications from any of the pro se filings from Brian David Hill. Glen Andrew Hall pushed for a capias knowing that Brian David Hill was in custody. Glen Andrew Hall pushed for things under false pretenses. This is extremely concerning that we have such a Commonwealth Attorney being blatantly and patently dishonest and allowing destruction of evidence under his watch knowing that such evidence may disprove the Commonwealth’s case, it may prove that Defendant could not have been medically cleared in such a short period of time with cuts and abrasions all on his body when being filmed by the body-camera footage making statements. It is necessary that the Court move to punish Glen Andrew Hall, Esquire. He has lied about different things regarding Defendant and/or his case for far too long and Defendant cannot take this anymore. Defendant will not stand for this and be compelled to pay any legal fees for his only source of income protected under 42 U.S. Code § 407 - Assignment of benefits, Defendant is judgment proof according to the Social Security law. It doesn’t mean the Defendant is free of debt, but no Court may demand money protected from such garnishment or levying or any other court process. Defendant is the victim here. That is a separate issue and will not matter if Defendant is acquitted or found innocent by the Circuit Court. Acquittal will mean the legal debt will probably be entirely erased and any pending appeals can be dismissed for being moot. Defendant is the victim of the Commonwealth and their violations of Court Orders. This Court is the victim of

non-compliance by the Commonwealth with such Orders. Defendant complies with coming to every hearing as ordered by the Court. **Defendant had only not shown up at a hearing due to being in Federal custody which was against Defendant's will and the Feds did not respect making sure that Brian Hill would appear. The feds failed to make Brian appear and the Feds are at fault here.** Defendant was compliant with turning himself in to Martinsville City Jail by request of his lawyer Scott Albrecht after the Federal Court released Brian D. Hill and the Federal Marshals forgot to tell the State Court, that is on them, that is on the Feds. Brian Hill complies with any request of this Court. The Feds don't play by the rules and the Feds don't play by this Court's rules. The feds are their own power and authority, they are a different concern and Defendant should not be punished for anything the Feds had caused or problems that the Feds had created.

43. It is Glen Andrew Hall who needs to face justice and he needs to face accountability for violating the Court Orders, for allowing destruction of evidence during a pending criminal litigation, for not filing a response to the Court's Order regarding the destruction of evidence to come clean about the destruction of any evidence. Glen Andrew Hall could have filed a letter informing the Court that the body-camera footage was destroyed and made some excuse as to why. They didn't do any of that. Defendant has a valid reason for not appearing on January 28, 2019, he was in Federal Custody and the Sheriff's Office admitted he was in Federal custody because that same Sheriff's Office through Martinsville City Jail received a Federal Detainer for arrest on November 15, 2018. So, Defendant has clear and convincing evidence that the Commonwealth Attorney had no justification for a capias or failure to appear. They know that because they are corrupt. Glen Andrew Hall must be held accountable, they must. The evidence weighs heavily in favor of Brian David Hill.

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice.

Respectfully submitted with the Court, This
the 24th day of January, 2022.

Brian D. Hill
Signed

Brian D. Hill
Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing AMENDED

MEMORANDUM was faxed or emailed/transmitted by my Assistant Roberta Hill at
rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the
Internet) or delivered this 24th day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: ahall@ci.martinsville.va.us	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: apritchett@vacourts.gov
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.


Signed
Brian D. Hill

U.S.W.G.O.



Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

Jan. 20, 2022

To Whom This May Concern:

I have been a witness Brian's entire life. I read the police report that Brian was medically and mentally cleared, and I have some questions to ask this court. How is it possible that someone who was diagnosed as having insulin dependent diabetes with seizures before the age of two years old and autism (PDD) before the age of three and diagnosed with OCD miraculously be medically cleared? Brian has been on SSI Disability since 1992 due to his serious disabilities and remains on SSI to this day so even though we wished it was true that when the police arrested him, he was miraculously medically & mentally cleared, he wasn't.

There is no longer carbon monoxide in his house since the chimney expert removed the tin in Jan. 2019, and there have been no more episodes of his being out of the house by himself at any time, and Brian continues taking his emergency supplies with him when he leaves the house. That night according to a later police testimony, Brian was so out of it that he had no emergency supplies, nothing that would have clued the policeman to the fact that Brian was a diabetic who required insulin, glucose tester and glucose tablets. Brian was not aware that he had diabetes that night, or he would have told the police. Once the court was aware of these severe medical problems, why did his court appointed attorneys refuse to obtain a medical expert witness after Brian's grandparents & mom offered to pay for this? Is this court aware that Brian has been on a medical Medicaid waiver since 2012 and was on this when arrested and continues to be on this as I write this letter as a witness for Brian?

We have obtained 2 hospital records during the time that he & his mom were exposed to carbon monoxide in their home. On the first hospital record on 11/19/2017 his mom found him in bed as she went down to check his blood glucose level at night with blood all over him and all over the bed and a bad cut on his forehead. She called 9-1-1, but Brian refused to go to the hospital until after his 3 hour OCD routine. She called us to try to help him get to the hospital faster, but we all sat in the living room while he was in the kitchen for over 2 hours longer while he continued washing his hands, arms, hair, face – blood continued coming down his face. At one point he was vomiting during that time. At another point he was having bad leg cramps, but finally he let us take him to the hospital.

While at the hospital emergency room for a few hours, they tested his blood glucose several times, did a lot of blood test including one for carbon dioxide and other test. We found out later he and his mom were living in a home with carbon monoxide from a natural gas boiler heater and natural gas hot water tank – not carbon dioxide. But

apparently to do that test, the hospital suspected something, and when you read the hospital report from what they found that night, you read the symptoms of both carbon dioxide & carbon monoxide. They sewed his forehead with staples instead of nylon due to his extensive hand & face washing routine (OCD).

On the second hospital visit (9/21/2018) even though the hospital records clearly state that he has insulin dependent diabetes, seizure history, autism and OCD and that he was brought to the hospital by the police because he was out in the nude that night by himself for hours walking around trails and had a knee injury. The hospital did not do one blood test to see what his blood glucose level was. Is it because that is normal for someone with type one insulin dependent diabetes with history of severe seizures when glucose goes low, autism & OCD to spend the night alone in the nude walking around a walking trail for hours miles from home without any medical emergency supplies? Someone who has never done this before? Did the police & doctor on duty at the hospital that night think this was normal? I can tell you right now this was not normal activity for Brian, and while this was going on, His care giver (and his 2 caregivers in case of emergencies) were in bed asleep unaware until the police came knocking at his mom's door at about 4 in the morning. They ordered blood test and other test to be done, then they deleted those test (Why?). This is clear neglect on the part of the hospital. More than once on this hospital report, the doctor ordered for Brian to see his doctor the next day for more tests knowing Brian was going to jail.

I was in the court room in Winston Salem, NC, when I heard this police testify. Brian's court appointed attorney asked if he knew that Brian had insulin dependent diabetes. His answer was "No", he didn't know that". Brian's attorney asked him if he knew that Brian had OCD. His answer was "No". She asked him if he knew that Brian had autism. His answer was that Brian had told him that he had autism. When she asked him if he had any training in autism, it sounded like he knew what autism was but didn't have a lot of training. Does this sound like Brian was really medically & mentally cleared as the police report said? It sounds to me like negligence from the Martinsville police department. There is supposed to be laws for people with disabilities. Does it sound like the police department was negligent in their duties of obeying any of these laws? I didn't see anywhere that after Brian told the police he had autism that an expert was called to help. Brian contacted the police department, and we did too as well as his court appointed attorney asking for them to give his attorney the body cam for proof that Brian was in bad shape that night. This never happened (Why?).

I also heard Brian's mom testify in the same court about the carbon monoxide exposure in their home for over a year and how that had affected both of them. Instead of obtaining a medical expert, the judge said that he would not accept her testimony because she was not an expert even though we sent to the court as a witness US government reports of what it is like to be exposed to carbon monoxide since the court

refused to obtain an expert medical witness. Brian's probation officer was also a witness for Brian. Someone placed child porn on Brian's computer in 2012 and sent emails to Brian and others admitting doing it and admitted that they would see to it that Brian stayed convicted of child porn. We have read these, obtained copies and sent copies to the federal court. We saw the report from the NC SBI that there was child porn on Brian's computer that had been downloaded for one month before the police raid and for **11 months after the police confiscated Brian's computer** which sounds like what they sent to Brian's computer was a virus with child porn. Brian is innocent, and we sent proof to the court of his innocence, pages of proof that the judge did not read because never once has the judge acknowledge us as witnesses. Regardless, our proof of his innocence is on federal court records since November, 2017.

Anyway, this is the reason Brian has a probation officer and the reason this case went to NC and the reason we were hearing the testimony from the police, Brian's caregiver (his mom) and his probation officer who has been a senior Federal probation officer for several years in Roanoke, Virginia. Brian's probation officer knew that Brian was an insulin dependent diabetic with seizure history, had autism and OCD and testified that he worked with Brian, Brian's mom and his grandparents with these issues. Apparently the judge did not believe that Brian's mom or federal probation officer were credible witnesses. He believed the police who admitted in court that he had not been aware of Brian's diabetes or OCD and really did not know a lot about autism. This conflicts with his police report which says that Brian was medically and mentally cleared.

Brian's diabetes requiring insulin (since 1992), seizures (since 1992), autism (since 1993) and OCD are well confirmed in hospital and many medical records. We have seen this judge several times and believe after reading many threats Brian and others had received that this judge is owned by whoever has sent these threats to Brian in 2012, 2013 & 2015, Brian's mom in 2017-2018 and an attorney friend (Attorney Susan Basko) received several in 2015 as Brian was fighting in court to prove his innocence. She wrote a letter to the court that Brian was innocent of knowingly having child porn in 2014, and we have seen a threat against Brian sent to his friend in 2012 because Brian at the time had an alternative news (USWGO) network which was a hobby he enjoyed and a chance to communicate with others, and they wanted to shut all of this down in 2012. We have seen threats sent to other alternative news people in 2013, threatening sending child porn to them to shut down their alternative news (and actually sending it, but they found it and sent to the FBI). Brian didn't see the ones on his computer. Many judges we have found out are compromised, and Brian's autism and other medical problems keep being ignored by them so that is why Brian has become very suspicious of some judges who are ignoring his constitutional rights as well as his medical history, not allowing a medical expert witness to testify and most important ignoring the proof we have in court that he is actually innocent.

Hospital did no glucose test on a type 1 insulin dependent diabetic who was walking around in the nude by himself all night. That is big time negligence by our local emergency room hospital, and the proof is on the hospital records. We have copies if you want to see them, or you can get the hospital records yourself from the hospital: Sovah Health – Martinsville; 320 Hospital Drive, Martinsville, VA 24112 – Phone # 276-666-7200. There are no results of any testing done for carbon monoxide exposure that night as well as no glucose tests were done, no testing to see if someone put drugs in his body, no testing at all from this hospital.

We saw Brian's wall around his fireplace & especially his ceiling deteriorate & come down (Under his mom's fireplace). His probation officer commented about it. Roberta kept saying she was so tired and didn't know why. Brian complained that he was tired, couldn't think straight and kept forgetting things. Both complained of headaches (Haven't heard anything before this exposure or after this exposure about them being tired or having a lot of headaches). Roberta's head was shaking during this time. Brian's autism & OCD were getting worse, and we found out Brian took off at night by himself to go miles from home without any diabetic medical supplies and without any hand sanitizers which he always keeps with him, says he met someone in a hoody who sounded like a white guy who told him to take his clothes off and take photos of himself **or his mom** (his only caregiver – grandparents are emergency backups elderly & disabled too) **will be killed**.

The court showed a pink camera which Brian never used a pink camera. He always takes his big black camera with him when he goes places with us. We picked up a backpack that was smaller than Brian uses and one that his mom had never seen before. Brian kept walking around for hours in the nude by himself like he didn't know how to put his clothes on. His clothes were in the backpack we picked up, but no emergency medical supplies were in it. In 31 years of knowing Brian, this is the first time anything like this has happened. We would not have woken up for a few hours so we don't know what would have happened to Brian if the police had not found him, but they turned this into a criminal offence when it was clearly a medical emergency. The Martinsville police & the Martinsville Hospital were clearly negligent in their duties that night.

If you know the many things that people with autism can do, this is one (wandering away from home at night): Even though the hospital did not test for carbon monoxide when he was arrested, and none of us were aware of the exposure until months after Brian was arrested, our family saw Brian's autism getting worse after all of the years of improvement. Since he has been home and away from carbon monoxide exposure, he still has autism, but not as bad as during this exposure. We don't worry that he will again take off by himself without his emergency medical supplies. After the arrest, we worried that he would do it again if we brought him back to his home and were begging

the Piedmont Community Services in Martinsville to get him removed from jail and in a hospital or other safe place, but they failed us and Brian miserably too.

Here is an article I found that might explain this. It says: "Because our nervous systems are bringing in lots and lots of information, we autistics often get over stimulated. Also, when we have lots of toxins flowing through our bloodstream, we tend to be much more inflamed, irritable, reactive, and friable than most people are. Anything that happens around us registers louder for us than for non-autistics and the stimulation affects us more. Now, there are two reasons for running away. If you think about it, any child who runs away, autistic or not, will be either running away from something, or running towards something. Many people on the autistic spectrum have post-traumatic stress disorder. There is a very, very close relationship between these two diagnoses. The body language of those of us autistics who are very tense is quite close to the body language of people with post-traumatic stress disorder.

When you're considering an autistic who runs away regularly, they're either running away from something that they are over stimulated, afraid or angry about, or they're running towards something attractive. Many of us autistics will run to green spaces, or run to water. There's a good reason for that. Autistics find natural areas — and the wilder, the better — to be extremely calming, to allow and enable much more comprehension and integration of what's going on around us. Indoor environments can be toxic and over stimulating. This is the article I am referring to & video:

<https://thrivewithautism.ca/2013/11/01/why-are-autistics-hyperactive-and-why-do-we-run-away/>

This did happen to Brian one time when he was little. We were next door neighbors, and in the middle of the night, Brian came to our house. He was wearing his pajamas. His mom put special locks at the top of the door, but now he is tall, and that wouldn't work. Knowing his autism had gotten worse and not knowing about the carbon monoxide exposure for about a year at the time of Brian's arrest, we were afraid he would run away again and asked our local Piedmont for help, but they did not get Brian out of jail, and we have found out that they know very little about autism. There should be records to confirm this at the Piedmont Community Services; 24 Clay St., Martinsville, VA 24112-2810. Phone # 276-632-7128, and the fax # 276-632-0127. We were keeping Brian's probation officer informed at all times. You see, if you have an autistic child or adult who runs away, this is scary and dangerous, but if this is an adult with autism who has brittle diabetes and has severe seizures, and no one is there to provide something sweet, this person will die. We knew this had nothing to do with "intent to commit a crime" but was a medical emergency. On days when Brian is more autistic, we can't get through to him and with the carbon monoxide exposure, we were having more days like that. Most days, we can communicate well when his autism is milder. I will note here that most days now, it is milder, and we communicate well thanks to the chimney expert who removed the tin so the carbon monoxide would go outside of their house.

I just found a webpage to help explain the legal process for those with autism. It deals with the part of what is considered a criminal act, and that is "intent". Today, courts are

dealing with instances of Autism Spectrum Disorder (ASD) as it relates to criminal intent but approaches vary, as there is no uniform or legislative pronouncement on how this disorder relates to “mens rea”. <https://www.purdueglobal.edu/blog/criminal-justice/autism-and-the-criminal-justice-system/> Although most with an ASD will not commit crimes, courts must understand how to handle requests to admit expert testimony in those cases where a criminal defendant shows signs and symptoms (or a diagnosis) of ASD. NOTE: We have asked attorneys in federal court and Virginia courts to provide this expert medical witness and offered to pay for the one in Virginia, but all have ignored our request so not one of Brian’s court appointed attorneys have really helped him, and from what I understand in the federal courts, some attorneys have tried but were flatly turned down by the judge. Brian had to pull out of the Virginia case because it was getting close to a jury trial, and Brian’s court appointed attorney had no expert medical witness and no witnesses for Brian even though we made this request in the very beginning and even offered to pay for it if the state refused to pay.

I just thought that unless you or a member of your family have any of Brian’s medical diagnosis, you might not understand Brian’s complicated medical history, and why we say “There is no way that police report is correct unless Brian has been cured which he has not”. The next 4 pages will explain Brian’s medical history which is well documented in the hospital where the police took him as well as all medical records since 1992 including in the Social Security system, the Virginia Medicaid, and are still being documented by his diabetic endocrinologist specialist. My email address is kenstella@comcast.net.

Sincerely,

Stella B. Forinash

Brian Hill’s grandmother

201 Greyson St

Martinsville, VA 24112

What is **insulin dependent diabetic**? For those who don’t know: **Type 1 diabetes (previously called insulin-dependent or juvenile diabetes) is usually diagnosed in children, teens, and young adults, but it can develop at any age. Type 1 diabetes is less common than type 2—approximately 5-10% of people with diabetes have type 1.**

What are **diabetic seizures**? For those who don’t know. **A diabetic seizure is a serious medical condition and without emergency treatment, it has proven to be**

fatal. Extremely low levels of sugar in the diabetic's blood cause these seizures. That is why it is so important for those who have diabetes to monitor and control their blood sugar.

What is **brittle diabetes**? Brian has been diagnosed with this by a few doctors. For those who don't know. Brittle diabetes occurs when diabetes is especially difficult to manage. Diabetes can be hard to manage for many reasons: Doctors have explained to us that Brian's autism – developmental problems & his diabetes works against each other causing brittle type 1 diabetes in him. People with brittle diabetes experience sudden and frequent changes in blood glucose levels for no obvious reason. The swings lead to hypoglycemia or hyperglycemia. What is **HYPOGLYCEMIA**? Hypoglycemia is a condition in which your blood sugar (glucose) level is lower than normal. Symptoms: Unconsciousness; Shakiness. What is **HYPERGLYCEMIA**? High blood sugar (hyperglycemia) affects people who have diabetes. Several factors can contribute to hyperglycemia in people with diabetes, including food and physical activity choices, illness, nondiabetes medications, or skipping or not taking enough glucose-lowering medication. It's important to treat hyperglycemia, because if left untreated, hyperglycemia can become severe and lead to serious complications requiring emergency care, such as a diabetic coma. In the long term, persistent hyperglycemia, even if not severe, can lead to complications affecting your eyes, kidneys, nerves and heart.

What is **Autism**? For those who don't know. Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors. Autism is a complex, lifelong developmental disability (PDD) that typically appears during early childhood and can impact a person's social skills, communication, relationships, and self-regulation.

What is **OCD**? For those who don't know. Obsessive fear of germs or dirt and the compulsion to wash the hands over and over is one of the most common manifestations of obsessive-compulsive disorder (OCD). For people who suffer from OCD, hand washing goes well beyond a concern with cleanliness. It is extreme behavior whose real purpose is to lessen intense feelings of fear and anxiety. Oh, yes, I forgot to mention that Brian has also been diagnosed as having "**Anxiety**".

What is **SSI**? SSI stands for Supplemental Security Income. Social Security administers this program. They pay monthly benefits to people with limited

income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI. To get SSI, you must meet one of these requirements: Be age 65 or older. Be totally or partially blind. Have a medical condition that keeps you from working and is expected to last at least one year or result in death. Brian has been receiving an SSI disability check since 1992 (well documented) and still receives them.

What is a **Virginia Medicaid Waiver**? For those who don't know: **Virginia's Medicaid Waivers** pay for a variety of supports and services for children and adults with developmental disabilities and their families who need long-term support systems to live successfully in the community rather than in institutional settings. Brian is on this list because it has more benefits in case his mom is no longer able to assist. The one that he has been on since 2012 which pays his mom to be his caregiver 40 hours a week (The rest of time she is a volunteer) is an EDCD waiver.

What is **carbon monoxide exposure**? For those who don't know.

Overview. Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels. If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care. This went on for over a year. Roberta (Brian's mom's) apartment is 1500 sq ft, and Brian's apartment below his mom's is the same size, but every time they used their heater or the hot water heater, they were exposed with a build up after a year of exposure. Continued exposure to carbon monoxide can **cause permanent brain, nerve, or heart damage**. Some people require years to recover while others might never fully recover. Does carbon monoxide make you hallucinate?

These can include agitation, confusion, depression, lethargy, impulsiveness, **hallucinations**, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Can carbon monoxide poisoning change your personality? Personality changes **may occur**, and case studies have described prominent depression, anxiety, and irritability several years after accidental CO poisoning. Residual cognitive deficits, executive dysfunction, and impairments in memory and concentration may all contribute to deterioration in mood.

There is a lot more information about it on this USA government site:
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2707118/>

Bill requiring consideration of autism, mental illness in criminal justice system passes in Virginia

Posted: Feb 10, 2021 / 08:02 PM EST / Updated: Feb 11, 2021 / 11:11 AM EST

RICHMOND, Va. (WRIC)- Advocates say a law that bars Virginia courts from fully considering a person's disability or mental illness is causing defendants with autism to fall through the cracks. <https://www.wric.com/news/bill-requiring-consideration-of-autism-mental-illness-in-criminal-justice-system-passes-in-virginia/>

<https://law.lis.virginia.gov/vacodeupdates/title19.2/section19.2-271.6/>

§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth. (2021 updated section)

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § [37.2-100](#).

"Intellectual disability" means the same as that term is defined in § [37.2-100](#).

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

One of the scariest moments for a parent of an autistic child is when they wander off or become lost. Children and adults with autism can be gone in a second of taking their eyes off them. They are fast, quick and sometimes can dart away without a seconds warning.

Sometimes they may wander off out of the house in the middle of the night, sometimes from schools or other places. No matter where the child or adult may wander one must act quickly. <https://www.gastongazette.com/story/opinion/letters/2018/09/28/what-can-you-do-when-autistic-child-or-adult-wanders-off/9765760007/>

Autism Society article and what it says: “USE LOCKS AND ALARMS WHERE APPROPRIATE

For individuals who run away or leave the home without supervision (also referred to as “elopement” or “wandering”), it is important to place locks and alarms on exterior doors and windows. This may prevent the child from leaving, or at the very least notify you if he/she attempts to open a potential exit route. <https://www.autism-society.org/living-with-autism/how-the-autism-society-can-help/safe-and-sound/safety-in-the-home/> NOTE: This helped when Brian was a child, but now as an adult, it wouldn't help plus at this time, his mom was not well either from her exposure to carbon monoxide & none of us knowing about the tin.

Chart below about autism. These charts helped us when Brian was little to understand autism better: There are also charts that show the “wandering & more descriptions.

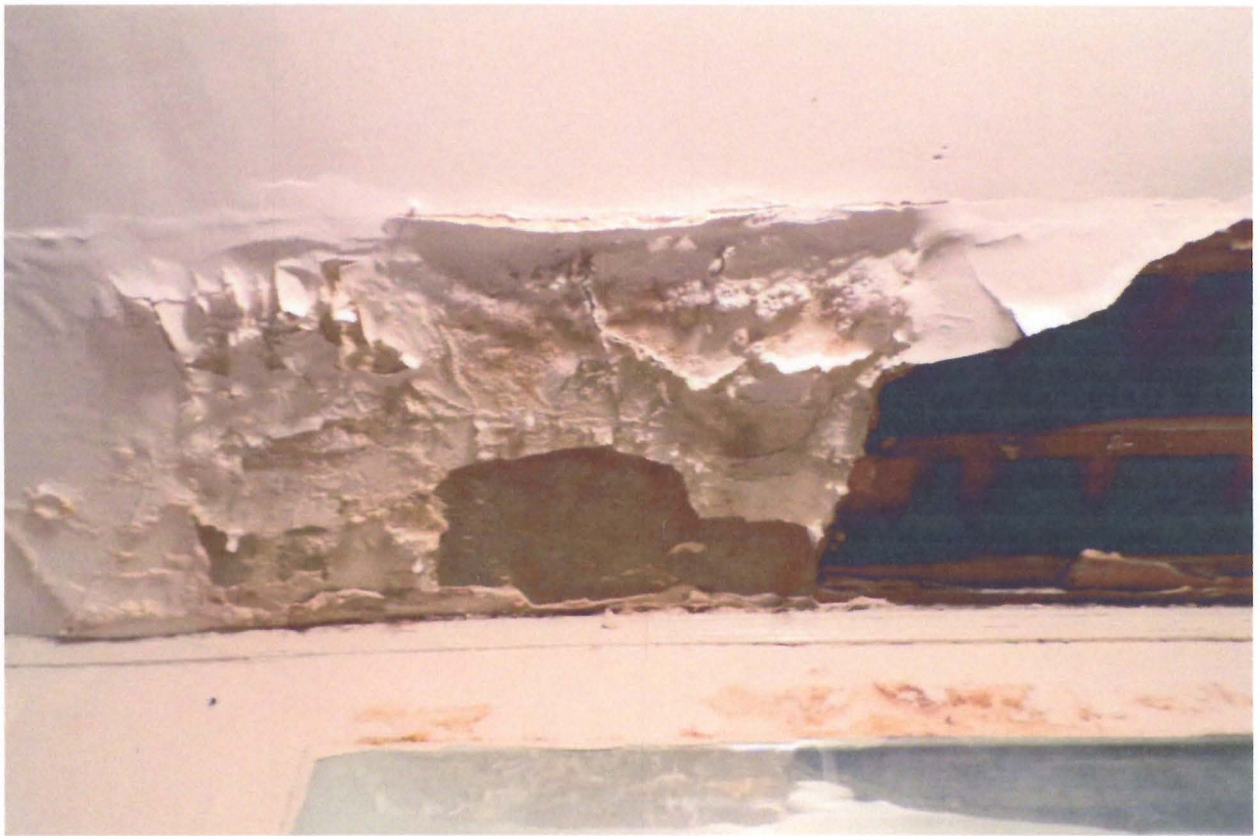


**Brian David Hill,
Petitioner/Defendant**

**Commonwealth of Virginia,
Respondent/Plaintiff**

Civil Action No. _____

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of January, 2022.



Signed

Roberta Hill

310 Forest Street, Apartment 1
Martinsville, Virginia 24112
(276) 790-3505

Kenneth R. Forinash, TSgt, USAF, Ret

201 Greyson St.

Martinsville, VA 24112

276-224-4527

Subject: Letter of Support for Brian David Hill,

To Whom This May Concern,

My name is Kenneth R. Forinash, I am a 79 year old citizen of Martinsville, VA, retired from the US Air Force. I have known Brian D. Hill for over 20 years. Brian has been helping us by doing lawn work and various chores for us. He has autism, Brittle Type I Diabetes and severe OCD problems. He has been on disability since he was 2 years old, so he is unable to hold a steady job due to his disabilities.

Brian's charge of Indecent Exposure should have never gone as far as it has. He had, unknowingly, been exposed to carbon monoxide gas in his home for several months. He and his mother were complaining about being tired all the time with no energy, having headaches and Brian also said he was having trouble thinking. On the night of his arrest he left his home late at night when his caregiver, his mother, was sleeping. This was something he had never done before, and has not done since. It is my opinion that this was from the effects of Carbon Monoxide. On the night of his arrest, he was taken to the Martinsville hospital, but was never tested to see if his glucose level was high or low, the hospital records would have shown that he had diabetes, OCD and autism if they had looked at his records. He was never tested to see if there were drugs in his system or if he could have been affected by carbon monoxide poisoning. He has been fighting this charge since it first happened, and since he knows he is innocent he will continue fighting it. That is the type person Brian is. If he knows he is being falsely charged with something he will fight for his rights.

I believe Brian should be given an acquittal for this crime because of his true innocence, and for the fact that so many mistakes were made by the hospital and the Martinsville Police Department. There was never an investigation of the things Brian told them had happened. He said a man in a Hoodie told him to take his clothes off and take pictures of himself or his mother would be killed. There was never an investigation to find this man in a Hoodie. Brian also had a pink camera in a backpack that no members of his family recognized when he was arrested. Nothing was ever done to see where this camera and backpack came from. Brian always took his large black Kodak camera with him whenever he went out. None of his family members can remember ever seeing him with a small pink camera or wearing a stocking cap. Here is a video YouTube link my wife found about people with autism behavior running away (We are wondering if this was a setup as we will explain later in this letter). <https://www.youtube.com/watch?v=wnZ02EzblMM>

My wife and I were re-reading the manuscript from Brian's revocation hearing and more & more we are wondering about a "sex setup" against Brian. We have read many threatening emails and text sent to Brian and others. We have read that they (the ones who sent these using tor email) were the ones who had the child porn put on his computer. They said they would (whoever sent these emails

& text messages) see to it that Brian stays on the "Sex register" and would set Brian up and have indicated that the judges & other people in the courts would make sure. Brian has sent these threats to the federal court. No one has done an investigation about them, but we wonder how many are involved in the courts of helping to make sure. First, the prosecutor & the judge who are the same ones who have ignored all of the proof that Brian is innocent that has been in the court records from November, 2017 and before. Brian has never shown an interest in either sex or children. We have testified in court and have sent that to the court under penalty of perjury that we are telling the truth. Brian remains a virgin to this day.

We have the proof from the state bureau of NC and have sent this document to the court that child porn was being downloaded to his computer 11 months after the police did the police raid and confiscated his computer so for that 11 months Brian didn't have the computer, the Mayodan, NC police & NC SBI in Greensboro NC had it during that 11 months. Brian fought for over a year in the Danville, VA federal courthouse for them to keep this evidence, this same prosecuting team whom you see in this manuscript makes it clear that due to the probation report being on this camera and the photos that Brian is guilty. He & the judge (BOTH) keep going back to the child porn that they claim was on his computer, trying to make a stronger case of sex which is weird if you know Brian and know that he isn't interested in sex at all, is not interested in children and still at the age of 32 remains a virgin. Set up?

Here's our proof: Isn't it convenient for a set up that once Brian is arrested for indecent exposure, they now won the case in Danville and no longer have to keep their proof when they state that Brian is guilty. Actually, this is proof that Brian is innocent NOT guilty because it proves that child porn was being put on Brian's computer for MONTHS after the police got it. They fought this because it was proof that just like the emails said "Brian was set up with child porn and had no intentions and did not even know that the child porn was in his computer. We are witnesses that Brian was fighting some type of virus on his computer the day of the police raid in August, 2012. We were there watching Brian fight it & were there during the entire hours long police raid. That is bad when our legal system goes after someone who has brittle diabetes with seizures and autism and keeps this going for years ignoring his and his family's proof that he is innocent. Brian does not have an intellectual disability. He is very smart but does have a communication disability.

Brian started fighting for this on April 25, 2017 in the Danville, VA Federal Court. In Oct, 2017 his mom contacted a chimney expert to put screen on their 3 chimney flues to keep birds out. We found out 15 months later Jan. 2019 that instead of screen there was tin up there which caused carbon monoxide to come in their home and messed up both fireplaces, gas logs in both fire places, the walls & ceiling around Brian's fireplace and caused both of them to be really sick for over a year. It doesn't make sense to us that a Chimney company would do this and are aware that when the family wasn't home, it is a possibility that someone else could have come & replaced the screen with tin. We can't prove this but just a possibility to stop Brian from fighting to prove he is innocent and should not be on a sex registry. He is innocent. We know that for a fact! In November, 2017 Brian submitted to the federal court his 2255 of innocence with many pages his family wrote and other proof of his innocence. In December, 2017 until the spring of 2018 his mom was getting insulting greeting cards with a threat letter in the spring of 2018 all sent from Nashville, TN with no return address or name

while they both were being exposed to carbon monoxide. The Martinsville police conveniently did not do an investigation, and not one of them ever questioned us – no investigation at all!

Brian is still fighting to prove his innocence in the federal court in NC with the same judge who refuses to leave his case, making sure that he stays on probation. His probation was for 10 years in 2014. Now due to this indecent exposure case, the judge ignored his autism, carbon monoxide, etc and added 4 more years of probation. During this “setup” on Brian in 2018, he lost his Danville case because he was now spending his time fighting to prove he was innocent of the indecent exposure as well as the child porn. This same judge and the same prosecution keeps going back to “sex charges”. They don’t know of any other reason, **could it be a “setup”** as the threatening letter said, as the threatening emails sent to Brian and others and the threatening text sent to Brian in 2015 said they would do?

After re-reading the transcript, the police said Brian was wearing a stocking cap. We go with Brian to a lot of places and have never seen him wear that type of hat and have never seen photos of him wearing a stocking cap. He does wear baseball caps from time to time.

Page 57 of 164 “It's the document that was found on the SD card in printed version that belonged to Mr. Hill that was on the camera when we did the search warrant.

Q So this document was on the same card as the photographs?

A Correct.

Q And under the author, what does it say?

In reading the transcript and being at the trial in NC, we noticed a lot more things that look like a setup. We saw a pink camera that the police said Brian had. We have never seen Brian use a pink camera. He does take a camera most of the time, but it’s a large black camera in a camera bag. You can look through photos his mom & we have taken of Brian, and you will not see him carrying a pink camera nor will you see him wearing a stocking cap. We took Brian’s mom to Salem, VA to pick up Brian’s backpack. Right away Brian’s mom said that she had never seen that back pack before. We noticed that it was a lot smaller than the ones he uses. It was his clothes in that backpack, but we especially noticed there were no emergency diabetic supplies in it nor any hand sanitizer in it. He always takes his diabetic supplies & sanitizer with him. We have never seen Brian take selfie photos of himself. He does take videos when he is trying to say something. Brian said that the man in the hoodie gave him the camera according to the policeman who arrested Brian.

The prosecuting attorney said that it was Brian’s camera because it has the form he sends to the probation officer with his name, nothing else except the nude photos of himself. If someone plans to set you up, what a convenient way – drug you – hand you a camera with a blank probation form that looks like you put it in the camera, add your name as the author for the police to see. Make sure there are nude photos of you in that pink camera. If I wanted to I can download this form at <https://www.gasp.uscourts.gov/sites/gasp/files/MSRSexOffender.pdf>. Anyone can download it especially if they want to set someone up. The police said that they had received one call. The police didn’t identify the caller. Could it have been the very same person who handed him the camera & threatened killing his family? Brian told us in the hospital about that. He said the guy sounded like a white guy, not a black guy, but he couldn’t identify him due to the hoodie. Brian said

he felt like he had been drugged. Isn't it convenient that the doctor at the emergency room that night did not test him for any substance (alcohol, drugs, carbon monoxide), did not test his glucose when it was clearly written on hospital records that he was diabetic and was on insulin shots. The police testified that they usually get blood test results. Isn't it unusual that they had no blood test results at all for Brian especially since he has been a brittle diabetic at the age of one year? To us, this is another clear set up just like the child porn that was downloading on his computer for 11 months when Brian didn't even have his computer.

My wife is looking up proof on Federal Court records and putting links so you can see all of this is true, especially the threats Brian & others have received.

If Brian was guilty, why would he fight so hard to get the discovery materials that were used against him in court? On the other hand, why did the prosecuting office fight so hard for him not to get these (Guilt on their part)? They also knew that this was being downloaded 11 months after his computer was confiscated and what else was on the discovery which would prove even further that Brian was innocent? Yet they kept him in jail or prison for months, many time half insulin, some days no insulin, on court days no insulin until he was brought back to jail handcuffed after hours in court with no insulin at all, no help with his autism, more like torture, made sure that he is on the sex registry, off the Internet and have extended that probation to 14 years. Why would he have that information on a pink camera? SETUP for sure just like the threatening emails, text & letter said.

Here could be one reason for the setup at this website as Brian was fighting for his discovery to keep it in court for his appeal: Freedom of information act. We saw it, there were no photos of any kind in that NC SBI report. No reason why Brian shouldn't have it to prove his innocence. Why did they fight this for over a year?

<https://www.courtlistener.com/docket/6064365/hill-v-executive-office-for-united-states-attorneys/>

Hill *v.* Executive Office for United States Attorneys (4:17-cv-00027)

District Court, W.D. Virginia

Date Filed: April 25, 2017

Date Terminated: Feb. 6, 2018

Date of Last Known Filing: Oct. 9, 2018

Cause: [05:552 Freedom of Information Act](#)

Nature of Suit: [895 Freedom of Information Act](#)

Brian was exposed to carbon monoxide from abt Oct. 2017 until he was arrested for indecent exposure in September 2018, and he was in jail & in bad shape on Oct. 9, 2018 so could no longer fight to get his discovery. That was a victory for the NC prosecuting office, but could it also explain the carbon monoxide and the set up? The above just shows the battle went on until Brian was arrested for indecent exposure in September, 2018, then his fight to get discovery ended, but it went on throughout Brian's exposure to carbon monoxide in his home: Brian could no longer fight to get his discovery to go along with more proof that he is innocent and had already put this proof in the court records in November, 2017.

Now let's read the threats he & others received which is on court records, and you can read these here: <https://www.courtlistener.com/docket/4304407/united-states-v-hill/>

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

Last Updated: Jan. 23, 2022, 6:34 a.m. EST

Assigned To: [Thomas D. Schroeder](#)

Date Filed: Nov. 25, 2013

Date Terminated: Nov. 12, 2014

Date of Last Known Filing: Dec. 6, 2021

If Brian is guilty, why is he fighting so hard to prove he is innocent? Knowing his medical record which is on these court records, why does this same judge and this same prosecuting attorney keep saying he is guilty without acknowledging any of Brian's proof of innocence, fighting to make sure he does not get a copy of his discovery (The proof supposedly of his guilt) & ignoring his witnesses who have written of his innocence with proof, denying Brian his constitutional rights & making sure he's the only judge?. Why have these threats not been investigated? Why is this judge knowing Brian's medical history not allowed any expert medical witnesses to testify. Could this be another reason for a set up with indecent exposure? To Brian's family, this explains why there is a pink camera in his possession and not the large black camera with the camera bag that he does use, why are there nude photos of him (if drugged that night), why he had a back pack that was not his, why he is wearing a type of cap that he never wears on outings with us when it is cold or at any time, why he had no emergency medical supplies with him, why someone would call the police who would find a camera in his possession with nude photos of him and a copy of the probation form he uses with his name on that, perhaps even why the doctor or nurse in the emergency room not providing any test results to prove he's diabetic, has been exposed to carbon monoxide for almost a year in his home, and maybe some drugs in his system from the man in the hoody and no body cam at court that Brian & his family asked to be used (perhaps someone from the police department involved to bring Brian down as recorded in those threat letters)? Read them yourself and then decide.

He does have autism which had gotten worse from the carbon monoxide but knowing Brian as we do, nothing else makes sense, add the part that he is under constant care by his mom except the few hours at night that she needs sleep, and this all happened while she was sleeping. She was waking up at 4:30 every morning to test his blood glucose after the 2 seizures he had one night (which happened while they were exposed to carbon monoxide), and someone calls the police at 3 AM. All of this needs to be investigated, too many holes in this case too just like the child porn setup with threats. The judge & prosecuting attorney saying he's guilty does not make it so. There are many people documented who have spent years in prison who were found to be innocent even though the judge & prosecuting attorney said they were guilty.

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

<https://www.courtlistener.com/docket/4304407/46/united-states-v-hill/>

Sep 30, 2014 # 46 DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes.
(Attachments: # (1) [Main Document](#) Declaration

If you download these, you can read them better. You will also see in **Attachment 1 Exhibit A** where Brian reported these to the FBI in 2015.

Apr 3, 2015 # 71 Attachment 1 Exhibit A Page 2 (Threat sent to Brian by text on Feb 14, 2015) Basically when you read this it is saying "We will send you more child porn, Brian, stay as a sex offender and go get raped like a good sex offender. You will never win, you will never prove whom planted child porn in your drive. We can sneak into Sue Basko's house and plant child porn in her hard drive hahahahaha". There is a lot of bad language which we will not repeat here, but you can see this threat for yourself.

<https://www.courtlistener.com/docket/4304407/71/1/united-states-v-hill/>

Exhibit A Page 5 This was an email sent to Susan Basko that she emailed to us on 2/6/2015. It says "Brian Stop Appeal" (title) "Tell Brian to stop appeal in da court. He will not win even if he does we have authorities to set him up with child porn again. Think about it before you testify. You too Scott (sounds like this one went to one of Brian's attorneys). Tell Brian to cut his appeal or I will set him up to cut him".

Exhibit A Page 6. This is another email Susan Basko emailed to us (Brian's grandparents) on 2/6/2015 that she had received: It says basically "I warned you. Brian David Hill will suffer and it is his fault for not sticking with his paedophile guilty plea. Bad things will happen to him We promise you if Brian hasn't already been destroyed you all will never remove him from sex offender list. Brian will regret what he filed with the court He will pay possibly with his life Police watching him however we are watching him too even if he is under supervised release we can send thousands of child porn to Brian's email address and he will never know until he is allowed on the net then BOOM violation of probation then even they will beat him up"

Exhibit B — Document #71, Attachment #2

<https://www.courtlistener.com/docket/4304407/71/2/united-states-v-hill/>

Page 21-22 is an email Susan Basko sent to Brian's attorney, Jones and a copy to Brian's mom & grandparents on 2/16/2015 informing Mr. Jones that he needs to do something about this. She said that she is writing to him again as he is the one handling Brian's appeal. She said that Brian is the guy who was set up with child porn, and someone keeps sending her and others (You can read these yourself on court records, and they have been there since 2015). This is a long threat email they sent to her & others with more threats. This was reported to the FBI by those receiving it, and Brian reported the ones they sent to him in 2015. Why was all of this ignored & keeps being ignored?? They admitted AGAIN just like they did in 2012 & 2013 putting child porn on Brian's computer & the hard drive that his attorney picked up from the Mayodan, NC police department and took to Brian in Martinsville, VA. They said they had Brian on possession and his attorney on distribution. Read it and all of the other threats, then explain to us why you think nothing is being done or has been done. All of this is in federal court records. Brian has reported this to the FBI more than once. We have too more than once. They keep ignoring it & us.

Here are some more on the court records with where to find them. The more we read these & the threats, the more we know he is being set up. What kind of monster or monsters does this to someone with all of Brian's severe disabilities, and where are the law people & courts who are supposed to protect us from these monsters??? Meanwhile, Brian keeps fighting to prove his innocence and keeps being ignored.

Exhibit I — Document #71, Attachment #9 Page 11 sent to Brian (Email) on April 11, 2013. Submitted AGAIN to the court on 4/03/2015

<https://www.courtlistener.com/docket/4304407/71/9/united-states-v-hill/>

Brian's 2255 submitted on Nov 14, 2017 Document #128

<https://www.courtlistener.com/docket/4304407/128/united-states-v-hill/>

Exhibit — Document #131 Page 70-71 Threats to Brian in Email in 2013.

Article "Child porn investigations may snarl the innocent" from 2010 Page 79-88

<https://www.courtlistener.com/docket/4304407/131/united-states-v-hill/>

Exhibit — Document #134

<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>

Brian's grandmother, Stella Forinash is testifying here that Brian is innocent of child porn charges & reasons PAGE 34-71

NC SBI says the first time files were downloaded was on **July 20, 2012**. The Rockingham County police department spotted the child porn very early. This agrees with what Brian said on the Alex Jones Prison Planet on **July 12, 2012** when he said that the police were watching him and his mom and looking for a reason to arrest them, and he was afraid the police department was going to set him up. (See Document Police removed all computers and hard drives from Brian's house on **August 28, 2012** (netbook on August 29, 2012). According to this NC SBI Discovery Report, this child porn continued being downloaded until **July 28, 2013 (11 months after Asst attorney's brother, Bridge and Mayodan police removed it from Brian's house)**. Case 1:13-cr-00435-WO Document 45 Filed 09/26/14 Page 20 of 20.

On Page 54 above. Page 55 below

of 2. **US v. Hill - Hearing - September 30, 2014** is where Brian's grandparents & Attorney Sue Basko told the judge that Brian was innocent of knowingly downloading child porn. This was the same court case where Brian D. Hill's court appointed attorney and the prosecuting attorney confessed to the judge that they had received emails from Attorney Sue Basko and calls from others coming forth to be witnesses for Brian and that they ignored Brian's witnesses (Entire transcript is in court records). This is the same hearing that the judge appointed a new attorney for Brian, but too late as Brian's health had gone down too low from over 9 months of not getting the right amount of insulin prescribed by his diabetic doctor for the past 22 years. (From the age of 21 months to the age of 23+ years).

Brian's Grandpa, Kenneth Forinash is testifying for Brian: Page 73-75

I have known Brian David Hill since December 2000. He has gone on day trips and extended trips with his mother, Roberta Hill, grandmother, my wife, Stella Forinash and myself numerous times. Due to his diabetes and autism he always stayed with us when we went on these trips. I have never seen him approach a child, or show any interest in a child. His main hobby was taking pictures of scenery, and he did not want any human in his pictures. He would get agitated when someone walked in front of him while he was taking a picture.

I tried helping his mother and grandmother find help for his autism while he lived in North Carolina and after he moved to Virginia. We had very little luck getting assistance from any groups in NC, but after moving to Virginia in September of 2012 he was placed on a Medicaid waiver immediately after applying due to all of his medical and mental problems. There is normally a 7 year waiting list for this waiver, but he was placed on it right away. This waiver made it possible for someone to be paid for 40 hours of assistance and respite for Brian per week. In addition to this waiver, there were also individuals from EHS Support Services LLC that would take him on hikes, and to the YMCA. They also made it possible for him to see a counselor for his OCD problems.

Brian's mom, Roberta Hill is testifying for Brian: Page 76-87

To Whom This May Concern:

I am Brian David Hill's mom, and I am a witness to many events that have occurred in Brian's case. I believe that my son is innocent of any wrong doing. The crime that he was accused of paints a different picture of my son, than who he is as an actual person.

I also am a witness to how autism and Obsessive Compulsive Disorder (OCD) affects my son. Since he was a very young child he has been sensitive to receiving hugs from anyone and does not like to be touched on his shoulders. This is not uncommon for someone with autism. With his OCD he is very sensitive to anyone touching him or his stuff and constantly washes his hands and uses Germ X due to his fear of getting dirty or getting germs. Because of his autism he has never had a girlfriend and he is a virgin, yet the court has put him on the sex offender registry. He has never been accused of sexually molesting a child or of raping an adult, and yet he is being treated as if he is a threat to society.

I have compiled a list of my eyewitness accounts in his case.

Brian says that he had been downloading child porn for 1 year or so. The evidence only shows that there were photos on his computer for 39 days prior to the police raid. This is the time frame in which my son was dealing with a virus on his computer. About almost 11 months of those dates is when his computer was in the custody of the Mayodan Police Department and the State Bureau of Investigations of North Carolina. This is a clear false confession that can be proven from the interview records of the Mayodan Police Department and the discovery report.

Actually, we noticed later that they asked Brian about downloading things, then later changed their wording to "child porn" Brian was confused and was talking about downloading music. The police knew Brian was disabled, yet disobeyed the "Americans with disability act" by questioning him alone without someone present who was trained in autism. They refused to let us hear that tape. Brian said things that was on paper that looked to us like he was just repeating what they said to him which is part of autism when one is stressed to the limit, and all of us were stressed after that police raid. If we or an autism professional could have heard that tape, I'm sure that is what was going on.

Brian downloads proof of his autism: Pages 88-99

<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>

Document 134 & there are many more threats & a lot of proof of innocence that Brian has shared, but this letter is getting too long, and we're getting too tired.

Anything you could do to help this young man would help immensely. If there is anything further you need from me, please feel free to have your office contact me at the above address or phone number.

Thank You,

Kenneth R. Forinash, TSgt, USAF, Ret

Stella B. Forinash (I can put an affidavit if needed with witness signature notary that I am telling the truth). Thank you for your time reading this. 1/23/2022

United States District Court
for the
Middle District of North Carolina



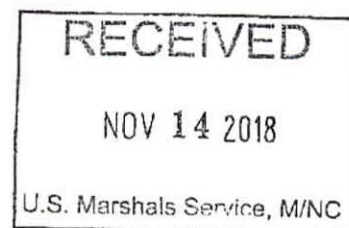
USA v. BRIAN DAVID HILL

Docket No. 1:13CR435-1

TO: THE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA OR ANY OTHER AUTHORIZED OFFICER:

WARRANT FOR ARREST OF SUPERVISED RELEASE VIOLATOR			
You are hereby commanded to arrest the within-named violator and bring him or her, forthwith, before the United States District Court to answer charges that he or she violated the conditions of his or her probation imposed by the court.			
NAME OF VIOLATOR BRIAN DAVID HILL	SEX M	RACE W	AGE 28
ADDRESS (STREET, CITY, STATE)			
SUPERVISED RELEASE IMPOSED BY: MIDDLE DISTRICT OF NORTH CAROLINA		DATE IMPOSED: 11/10/2014	
TO BE BROUGHT BEFORE: MIDDLE DISTRICT OF NORTH CAROLINA, GREENSBORO, NORTH CAROLINA			
CLERK: JOHN S. BRUBAKER	BY (DEPUTY CLERK) /s/Joy Daniel	DATE 11/14/2018	

RETURN		
Warrant received and executed.	DATE RECEIVED 11/14/18	DATE EXECUTED 12/22/18
EXECUTING AGENCY (NAME AND ADDRESS) USMS		
NAME Steven L. Gladden	(BY) 	DATE 12/22/18



U.S. Department of Justice
United States Marshals Service



DETAINDER

BASED ON VIOLATION OF PROBATION AND/OR SUPERVISED RELEASE

United States Marshal
Western District of Virginia
(District)

P.O. Box 2280
Roanoke, VA 24009

(Return Address and Phone)

Please type or print neatly:

TO: Martinsville City Jail
55 West Church Street
Martinsville, VA 24112
ATTN: Records

DATE: November 15, 2018

SUBJECT: HILL, Brian David

AKA:

DOB/SSN: 5/26/90 591-98-0319

REF. # FID#9402184

USMS #: 29947-057

CR #: 1:13CR432-1

Please accept this Detainer against the above-named subject who is currently in your custody. The United States District Court for the Middle District of North Carolina has issued an arrest warrant charging the subject with violation of the conditions of probation and/or supervised release.

Prior to the subject's release from your custody, please notify this office at once so that we may assume custody if necessary. If the subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at the time of transfer and advise this office as soon as possible.

The notice and speedy trial requirements of the Interstate Agreement on Detainers Act do NOT apply to this Detainer, which is based on a Federal probation/supervised release violation warrant.

Please acknowledge receipt of this Detainer. Please provide one copy of this Detainer to the subject and FAX one copy to this office at 540-857-2032.

FAX No.

RECEIPT	
Date:	11-15-18
Signed:	U. B. Acord
By:	Robin Acord
Title:	SA

Very truly yours,


(Signature)

Richard Sellers, Acting U.S. Marshal
(Name and Title)

Requested by: Chrissy Dinnerville, Criminal Program Specialist

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA)

v.)

1:13CR435-1

BRIAN DAVID HILL)

JUDGMENT AND COMMITMENT
Supervised Release Violation Hearing

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.

A handwritten signature in black ink, appearing to read "T. Courson", is written over a horizontal line.

United States District Judge

October 4, 2019.

Subject: RE: Martinsville Circuit Court, Last Minute Evidence, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
From: Ashby Pritchett <apritchett@vacourts.gov>
Date: 1/31/2022, 10:31 AM
To: Roberta Hill <rbhill67@comcast.net>

Mrs. Hill,

The Last Minute Evidence pleading of Brian David Hill was received and filed today in case CR09-009.

Ashby Pritchett, Clerk
Martinsville Circuit Court

From: Roberta Hill <rbhill67@comcast.net>
Sent: Monday, January 31, 2022 3:53 AM
To: Ashby Pritchett <apritchett@vacourts.gov>; Martinsville City Commonwealth's Attorney <ahall@ci.martinsville.va.us>; Hon. Ashby R. Pritchett, Clerk of the Court <APritchett@courts.state.va.us>; Jason S. Miyares, Esq. <miloag@oag.state.va.us>; nsherman@ci.martinsville.va.us; jnunn@ci.martinsville.va.us
Cc: EvidenceInfo@protonmail.com; Tracy Beanz <tracy@uncoverdc.com>; Stanley Bolten <StanleyBolten@protonmail.com>; kenstella@comcast.net; Celia@uncoverdc.com; Daniel@uncoverdc.com; brian@uncoverdc.com; larry@uncoverdc.com; wendi@uncoverdc.com; VeritasTips@protonmail.com; tips@projectveritas.com; NationalFile@Protonmail.com
Subject: Martinsville Circuit Court, Last Minute Evidence, no. CR19000009-00, Commonwealth of Virginia et al v. Brian David Hill
Importance: High

EXTERNAL EMAIL

THIS MESSAGE ORIGINATED FROM AN EXTERNAL ADDRESS. USE CAUTION CLICKING ON ANY LINKS OR DOWNLOADING ANY ATTACHMENTS

Hey Clerk of Circuit Court for the City of Martinsville,
CC: Glen Andrew Hall, Esquire. Note: Clerk will be forwarded the Read Receipt / Return Receipt from Glen Andrew Hall to confirm receipt of Motion.

I am Roberta Hill, Brian's mother. I am filing this Last Minute Evidence in support of Brian David Hill's Motion for Judgment of Acquittal based upon new evidence... through email to you on Brian's behalf due to his federal probation conditions where he is not allowed to use the internet. He is having me file this pleading on his behalf. My son is having me to serve the respondents through email as well (their email should be included as ahall@ci.martinsville.va.us) and the certificate of service is in the PDF file of this filing. This email is also being sent to the Respondent(s) to serve them a copy of this pleading, and may also be faxed as well by Brian D. Hill in the event that email may fail.

To Clerk: Please confirm by read receipt or send a response message confirming that you have received this. There is a lot of evidence that the Hon. Giles Carter Greer must review to understand that my son is legally innocent and is entitled to acquittal. Thank You!

This is the last minute evidence my son is to filing due to the request of Stella Forinash the witness

and believes this is good enough to warrant an evidentiary hearing or acquittal.

Those emailed by CC are not parties to the case but are interested in watching the case and it's filings with the Clerk's Office. My son is pushing for investigations right now. That is all he is willing to say. It also gives multiple witnesses to the receipt of the filings, as a protection mechanism.

Note: If you see any criminal activity or corruption going on in the Legal System or in Government, please report these tips to Project Veritas at VeritasTips@protonmail.com, or go to Project Veritas website.

Roberta Hill (representative for electronic filing)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

Last Minute Evidence in support of Motion for Judgment of Acquittal, case no. CR19000009-00,
Circuit Court for the City of Martinsville
Commonwealth of Virginia, City of Martinsville v. Brian David Hill

Defendant:
Brian David Hill
310 Forest Street, Apartment 2
Martinsville, Virginia 24112

Thanks,
Roberta

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,
PLAINTIFF,

v.

BRIAN DAVID HILL,
DEFENDANT.

CASE NO: CR19000009-00

LAST MINUTE EVIDENCE

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW
EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME
OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF
EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA;
REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW
HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL
EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE,
ALSO LIKELY DESTROYED”

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits LAST MINUTE additional pieces of evidence by Stella Forinash a witness to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF

CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE
COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE
(OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT
TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY
DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS
OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

Last Minute Evidence and final arguments to Hon. Giles Carter Greer:

1. The **Exhibits 1 through 3** all make very good points. The witness letters by Stella Forinash, an autism advocate, the certified mail and return receipt of the letter mailed to Police Chief G. E. Cassady. Letter ignored by Martinsville Police Department.

2. It all puts together a picture that with the Autism Spectrum Disorder and other evidence submitted in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY

DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”; it all shows that Brian David Hill is innocent as a matter of law under Virginia Code § 19.2-271.6.

3. The Commonwealth may try to manufacture or fabricate the intent and ignore the Autism Spectrum Disorder of the Defendant. However it isn’t just the additional last minute evidence with the witness letters from Stella Forinash. Defendant wants the Honorable Judge of the Circuit Court to have the facts that intent can never be proven, ever, in this case. Here is why.

4. On September 21, 2018, The Officer Robert Jones of Martinsville Police Department should not have taken Brian's statements as reliable due to misconceptions of Brian not having Autism Spectrum Disorder when records for years show that Brian David Hill does have Autism. Misconceptions meaning: **“a view or opinion that is incorrect because based on faulty thinking or understanding.”** Officer Robert Jones had faulty thinking and treated Brian David Hill as if his Autism was invisible, and tried to hold Brian Hill completely culpable, as if his Autism meant nothing. His Autism does mean something.

5. The Defendant had tried to locate any records of laboratory tests from the blood drawn from Defendant’s arm on the day of his arrest but the Hospital had informed the Defendant in 2019 that the Hospital doesn’t have any laboratory results from September 21, 2018. The Hospital had refused or failed or just didn’t want to do the laboratory

tests. So it is a fact to the Honorable Court and the Hon. Giles Carter Greer that the Martinsville Police didn't test Brian for any drugs, alcohol, or substances or gas exposure prior to his arrest and not even during his arrest, not even after his arrest. Unless proven otherwise. The Defendant wants to see proof of otherwise, otherwise this fact cannot be challenged.

6. The officer didn't even believe that Brian had Autism after Brian told him and Brian's mother told a Martinsville Police Officer that Brian had Autism. They still didn't believe Brian had Autism, and Brian was questioned by an officer who only felt that Brian was lying or that his story didn't add up. Again read **EXHIBIT PAGE 63 OF 164** in attachment to the original Motion asking for Judgment of Acquittal (MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED).

The Officer said under Oath in Federal Court:

"A. Talking with him, the time frame **didn't really add up to me at that point**. We made contact with

his -- tried to make contact with his mother that night. I don't know if anybody actually spoke to her. I don't recall."

7. Since this Officer doesn't want to believe that a guy in a hoodie exists, there are two reasons why. Either the guy in the hoodie didn't exist and was all caused by a "psychosis" or hallucinations caused by Carbon Monoxide Gas exposure; or the Defendant was on a drug, substance (for example: bath salts, easy to access chemicals or substances), maybe somebody gave him some alcohol, or he was exposed to something else that could have been proven had the laboratory tests been conducted or had drug tests been conducted. They were not. Defendant claimed he was "drugged" in a written letter to a Federal Court; the same Federal Court who conducted direct examination and cross examination of Officer Robert Jones on September 12, 2019 Trial. So let's say Brian was "drugged", then that would explain why his story didn't "add up".

8. The statements Brian David Hill had made to Officer Jones on September 21, 2018 were not reliable since they can't prove whether the Defendant was even on drugs, substances, alcohol, or anything at all or not when they had access to his blood samples aka biological blood samples but was destroyed without bloodwork; and so Brian's statements that night can never be proven as reliable. So it was impossible to be able to determine whether Brian was lying or telling the truth and to determine if Brian really had intent or not. They didn't even test him for drugs or anything. I mean, wouldn't it be

kind of weird to be walking out at night naked on a secluded walking trail with dangerous bears and coyotes and then some vehicle comes on by at one area of the walking trail near a road and calls 911 because that person claimed they saw a naked male “running”. They didn’t think to test him for any substances like “bath salts” or anything at all but just assumed he was okay??? Right? Brian must have been okay, right?

9. Let us examine what else Officer Robert Jones had said:

“A. Radio traffic came across as a male subject with no **clothes on running down the side of the street** at Hooker Street near the Henry County Public Safety building.”

CITATION FROM EXHIBIT PAGE 42 OF 164 in attachment to the original Motion asking for Judgment of Acquittal (MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED).

9. Think about it. He didn’t even approach the vehicle but was just running.

Nobody has proclaimed to be a victim here. Probably somebody who called 911 out of concern, out thinking that 911 had to be called because it was some kind of crisis or medical emergency perhaps. The 911 caller didn’t think the police and the Commonwealth Attorney would even go this far over a “medical emergency” as what

Stella Forinash calls it in her witness letter or letters, a **“medical Emergency”**.

Probably wondering why this “man” was running naked as if lost out of his mind. Now with the passage of Virginia Code § 19.2-271.6., temporary mental insanity can now be brought up as a defense, regarding lack of intent. Having a psychiatric episode at the time can now be brought up as a defense under Code § 19.2-271.6.

10. The officer took Brian's statements while treating his autism, his “permanent disability” as if it didn’t exist when the evidence shows it does exist, and probably got his statements twisted on September 21, 2018, because the Officer who questioned Brian treated Brian like his Autism was invisible. The Officer probably assumed not factually but just assumed as any idiot who doesn’t understand AUTISM, probably thought he was lying. So he didn't even believe Brian's claim that Brian had Autism despite the fact it can be proven through Department of Motor Vehicles handicap placard records which Officer Jones could have easily contacted the DMV to check Brian's records. See **EXHIBIT PAGE 2 and 3 OF 164 in attachment to the original Motion asking for Judgment of Acquittal** (MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT

ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS
LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS
OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED). It says in that
record for the Court: in quote Brian David Hill had suffered under “permanently limited
or impaired. A permanent disability...” You heard that right Hon. Giles Carter Greer.

11. This Court has the proof that Brian suffers under a permanent impairment or limitations, a handicap, a disability, it is not temporary. The Officer could have easily contacted the DMV to verify Brian’s claims but instead he assumed that Brian was lying about his Autism, the Officer was proven wrong IN THIS COURT OF LAW and other COURTS OF LAW. The Federal Court and the U.S. Probation Office has separate evaluations also proving that Brian David Hill has Autism Spectrum Disorder. One evaluator may have been Dr. Keith Hersh, PHD in North Carolina. There are many records proving that Brian David Hill has had Autism for most to almost his entire life. Officer Robert Jones couldn’t even believe Brian even told the truth about his Autism and yet questioned Brian as if he didn’t have Autism. Brian’s statements were unreliable. The Court should consider that all of his statements on September 21, 2018 may have been unreliable and based upon false assumptions by Officer Robert Jones. False assumptions of lying and not even testing Brian for any substances, gases, drugs, alcohol or anything at all. Just assumed Brian was lying and left it at that, charged him.

12. Dennis Debbaudt a Law Enforcement training expert said people with Autism can give false confessions and misleading statements. It is a fact. Not purposefully giving misleading statements. Just simply those with Autism can give misleading gestures and body language. Defendant's family gave the link for the judge to check out the website of this law enforcement training expert. See <https://autismriskmanagement.com/> said: "Dennis Debbaudt's Autism & Law enforcement content and curriculum development has set the standard for autism training for policing, public safety and criminal justice professionals in the U.S., Canada and globally." Again read the article in the main Motion Exhibits titled: "Interview and Interrogation of people with autism (including Asperger syndrome)". That should clue the Judge and the Police Officers in on why they made false assumptions that Brian David Hill was lying or not telling the truth. They treated Brian's AUTISM like it didn't exist, like it was invisible. It is not invisible. Yes it does exist and Brian David Hill has Autism and has always had Autism since the original diagnosis from TEACCH, University of North Carolina in 1994, when Defendant was four years old at the time.

13. So Officer Jones made a false or erroneous determination of Brian Hill's unreliable statements and made the wrongful or false assumption that Brian David Hill was somehow lying when being questioned alone without his autism advocates present at the time due to not believing he had Autism. Brian doesn't have intent and any statements Brian had given Officer Jones on Sept. 21, 2018 should not be allowed to

determine intent either because the Officer didn't even believe Brian was autistic despite overwhelming evidence Brian is autistic. **A permanent impairment** he suffers as the DMV calls it in their handicap placard forms.

14. One of the reasons the Defendant believes as to why the body-cam footage was destroyed and never given to defense counsel was because Brian was questioned with cuts and abrasions all over his body. That would have been painful. That is like questioning Jesus Christ while nails were hammered into his hands and then being hung on top of a cross with blood pouring down, with holes in his hands. Can somebody talk straight or think straight while under pain and suffering from cuts, abrasions and knew pain??? Pain affects the ability to think straight. Brian made unreliable statements on September 21, 2018, not just because of Carbon Monoxide gas exposure, Brian had scratches, cuts and/or abrasions all on his body and complained of knee pain. I bet the officers at Martinsville City Jail may be able to testify as to Brian's condition on September 21, 2018. Any medical doctor can tell you that.

15. So Brian had dealt with pain and at the time was questioned alone with Autism while the Officer didn't even believe Brian even had Autism despite the clear documentation at the Martinsville Department of Motor Vehicles handicap placard. Despite Piedmont Community Services. Despite being counseled by LCSW counselor Preston Page. Brian was questioned alone without any advocates and gave statements which Officer Jones determined "didn't really add up to me" so he assumed Brian was

lying and mistook Brian's facial or body gestures. He as any detective in a police department is taught to notice things when questioning a normal person to determine truthfulness but questioning somebody with Autism Spectrum Disorder is different, it is like night and day. False confessions and misleading statements as Dennis Debbaudt had said in his whitepaper. Why don't the Court subpoena him under oath and ask him about all of this? About Brian's behavior and his statements and his autism? Ask the expert witness and you will see what is really going on here.

16. So the jury or judge would need to be given instructions as to the mental and medical issues since it is now admissible. Mistook Brian as lying and relied on his unreliable statements. They are unreliable and can never be proven reliable.

17. The Officer claimed wrongfully that Brian David Hill was psychologically cleared before he was arrested. The only way Brian would not have been considered psychologically cleared and admitted to the Mental Ward at Martinsville Hospital would have been if Brian talked about (1) killing or harming himself, (2) discussing wanting to harm or kill others, and/or (3) that he saw things or heard things that other people did not see. It is wrongful that they wouldn't admit him to the psychiatric unit of the Hospital, even when it was clear something wasn't right that night. So because Brian didn't talk about wanting to harm others, or didn't talk about killing other people, or didn't talk about wanting to harm himself or killing himself, they wouldn't admit him and claimed he was psychologically cleared. That is nonsense right there. Brian doesn't

have to talk about killing himself or others to be admitted to the Psych Ward. That is ridiculous. Brian already had two of the criteria met as to why he clearly should have been admitted to the Hospital, that Brian was not psychologically cleared that night.

1. Brian David Hill had cuts and abrasions all over his body, the body-camera footage recorded by Officer Robert Jones would have shown this proof as the cuts and abrasions were on the front of his naked body. The psychiatrist could have taken that as irrefutable evidence of “self-harm”. That alone would have justified involuntary commitment whether by Court Order or not. The psychiatrist at the Hospital did not see the cuts and abrasions that day. They didn’t know.
2. Brian’s family had come to the Hospital after Martinsville Police informed Brian’s mother about his behavior on September 21, 2018; and even asked her if Brian was autistic. The psychiatrist clearly could have asked his family if his unusual “nude activity” was normal for Brian. They would have immediately said that it was not normal behavior of Brian and that would have further justified involuntary commitment to the Mental Ward whether by Court Order or not. The psychiatrist would have treated this as some form of psychiatric episode or a crazy behavior. Dr. Conrad Daum thought Brian had “psychosis” a month after Brian David Hill was arrested. Something clearly wasn’t right with Brian that night, he was not psychologically cleared by the normal standards of

Hospitals. Dr. Conrad Daum's diagnosis conflicts with the Officer's fact of claiming that Brian Hill had been psychologically cleared.

3. Brian kept claiming there was a guy wearing a hoodie threatening to kill Brian's mother. Again, Dr. Conrad Daum a forensic psychiatrist thought Brian had "psychosis" a month after Brian David Hill was arrested, after listening to Brian's story about the guy in the hoodie. The Officer acted as though Brian's story or timeframe didn't really add up. Well, if you are hallucinating or suffering under a psychosis which both symptoms are caused by Carbon Monoxide gas, or if maybe Brian Hill was drugged and that made him see things which clearly others did not see. The psychiatrist who evaluated Brian at the Hospital that night should have spoken directly with Officer Robert Jones who arrested and handcuffed Brian. If the Officer tells his viewpoint that he doesn't believe the "guy in the hoodie" even exists, then that in combination with the evidence of "self-harm" in paragraph 1. as noted above, should have been more than enough to justify involuntary commitment to the Mental Ward whether by Court Order or not. Brian is claiming to have seen and heard things that other people did not find or see, that should have been grounds for involuntary commitment to the Mental Ward. The problem was that Brian believed in the guy in the hoodie so much, thought he was real that Brian didn't think it was something only he could see. Somebody who had a psychiatric

breakdown or psychiatric episode would not admit to that. A crazy person will not admit to being crazy. The police should have described what had happened and Brian would have been committed to the Hospital. The problem was Brian's family was not asked questions by the evaluator at the Hospital. The Officers who dealt with Brian's nakedness were not asked questions by the evaluator at the Hospital. So the evaluator didn't know or understood that Brian David Hill had needed to be hospitalized at the time instead of being discharged prematurely, labeled as "psychologically cleared". What a load of junk.

4. Brian David Hill clearly was suffering under Carbon Monoxide Gas poisoning, or under a gas or substance or narcotic or alcohol or something. As for why he wasn't drug tested by police, I wouldn't know? If Brian was committed upon looking at his body to see the cuts and abrasions on his naked body which would be considered evidence of self-harm, they could have conducted more laboratory tests and drug tests, find out why Brian had behaved the way he did that night. They would have found weird levels in his blood and that would have led to a Carboxyhemoglobin lab test which would have found evidence of Carbon Monoxide Gas poisoning. The Fire Marshals of Henry County would have gotten involved with Brian's case, and the Police would have considered not filing any charges. The result would have been different. That is a fact.

18. Any and all statements Officer Jones ever says or claimed about Brian Hill's claims toward police may even be hearsay because if they were so confident that Brian David Hill was just some liar and that was it, then why was there spoliation of evidence, spoliation of evidence of Brian's statements through the body-camera footage because that footage was destroyed by Martinsville Police Department. DESTROYED, despite the Court Orders for discovery materials and recorded statements of the Defendant and Brian repeatedly begging for the bodycam footage through written letters. Like the written letter by Stella and Kenneth Forinash. It is clear that regardless of what was found on the SD Card and using Brian's claims against him to attempt to manufacture intent out of thin air, it is clear that his Autism Spectrum Disorder negates intent and there was no intent because they never verified that Brian was clean of any substances, drugs, anything. Brian could have accidentally ate or sniffed bath salts which anybody can buy in any store and that could have led up to what had happened. Brian could have smelled chemicals long enough to affect his brain. Because the Officer never believed Brian's factual evidence that Brian had Autism, never tested Brian for any drugs, substances, gases, anything, Brian had cuts and abrasions all over his body while making statements to Officer Jones. His statements about anything that night should be subject to being treated as UNRELIABLE. UNRELIABLE STATEMENTS.

19. It is clear that Brian David Hill did not have clear intent and the Virginia Code § 19.2-271.6 codified statute has shown that Autism Spectrum Disorder is relevant to be

used as a defense as a matter of fact regarding the "intent" element when intent is necessary to sustain a criminal conviction.

20. The Officer brought out that Brian Hill had flashlights, a camera and SD Card, clothes in the backpack, shoes, socks, but nothing else. No extra batteries for this camera, no tripod for this camera, no cleaning cloth for the camera lens and not even an extra SD card. If Brian had any intent to do this, then why just a camera and a SD card??? Why not bring his camera bag??? Why not bring extra batteries and SD cards? Why not bring his diabetic insulin and glucose tablets too??? Why not bring a cell phone for that matter??? Any maps or notes??? Anything to help him with his so-called “intent” to commit such an offense??? No extra batteries for this digital camera while walking naked miles away from home??? No sodas??? No apple juice, nothing, no snacks??? Doesn’t that seem weird for a guy intending to do this??? No food or drinks for a diabetic miles away from home at night without a cell phone???

21. How would Brian take the photographs without something like a selfie stick or a tripod??? Would it be farfetched that somebody drugged Brian and just directed him to pose for the photos like Bill Cosby drugging women to have sex with them??? How is it possible for Brian to take the photographs??? Where is the link here?

22. Doesn't matter what Officer Jones had claimed in the Transcript or of what U.S. Probation Officer Jason McMurray had claimed in regards to the SD Card or anything. Brian's claims were unreliable in 2018 and should not have been used to

determine lying or telling the truth. They didn't even believe Brian had Autism and took his statements as if his Autism didn't even exist but it did exist.

23. Brian did not have intent, it doesn't matter about any of Brian's statements made on September 21, 2018 because they were unreliable when the Officer did not accept or believe Brian had Autism that night. Didn't test him for any drugs or anything at all. The Officer didn't know Brian was diabetic when it is extremely important to tell an arresting officer that your insulin dependent diabetic. That doesn't make any logical sense either for somebody who may be intentionally planning and wanting to do this. Brian's statements made to Martinsville Police are impeachable and cannot be used to determine his intent. His intent cannot be determined based on Brian's claims about a guy in a hoodie. Intent cannot be determined based on any of Brian's claims about an SD Card, all of that is irrelevant because of Brian's unreliable statements due to his Autism. At this point Brian didn't say anything reliable on September 21, 2018, had no intent at all. His Autism Spectrum Disorder, as a matter of law, negates intent when intent applied under normal circumstances under a normal person arrested for a crime differ from somebody under the different behaviors of Autism Spectrum Disorder.

24. Judge Greer needs to read this expert witness whitepaper on Autism when questioned by a first responder, which would be, in this case, OFFICER ROBERT JONES. Here is a citation directly from the Whitepaper by Dennis Debbaudt:

“Misleading indications of guilt”

“There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community.”

“Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities. They may possess apparently normal verbal skills **but be deficient in comprehension, social awareness, and decision-making.** They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt. They may provide no eye contact at all, even when a questioner shifts their position to obtain it. The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism. **When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked.** Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide. They can easily become the object of increased scrutiny by the questioner.”

However this Court needs to take note as to Dennis Debbaudt’s expertise regarding the issues of Law Enforcement questioning an autistic individual who **“may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities.”** Brian’s autism issues are worse than regular people with autism. So his situation is far worse.

25. As outlined in paragraph 24 citation, Brian David Hill had no “drivers license” and does not even drive a car. Brian’s autism is worse than a highly functional autistic person theoretically argued in Dennis’s whitepaper. He cannot drive and cannot use

public transportation alone. He requires his mother, Roberta Hill who is his caretaker to drive him everywhere. Even Doctors' appointments and Dentist appointments. His mother has to drive him to go hiking, go shopping, and even go out to eat at a restaurant. Brian's situation differs and is far worse than an autistic person who can "hold a job" as Brian D. Hill does not work a job and is permanently disabled. He does enjoy "**leisure activities**" but always under the supervision of his mother. He can enjoy "**leisure activities**" at home without his mother needing to drive him in a car, but it is limited to things like television, playing video games, talking on the phone, faxing, working on legal documents and papers, watching shows or movies, just regular normal lawful activities and stuff. Robert Jones took Brian's statements as if they did not add up which was why he thought Brian was lying. Dennis makes an explanation about that in regards to autism. He said again: "Answers may seem evasive or unconnected to the question that was asked". That answers the question there. So the officer already didn't want to believe Brian had Autism. Brian warned Officer Robert Jones that Brian had Autism and he didn't want to believe it. Brian's statements are UNRELIABLE and INEFFECTIVE.

26. Dennis said that people with Autism being interrogated or questioned may produce a faulty investigation or even a false confession. He said from his whitepaper report that: "Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will

be totally ineffective' (Inbau and Reid 1967, p.196)...**The higher-functioning person through his or her responses, and the unaware interrogator through their beliefs, may become unwitting accomplices to continuing a faulty investigation** in the best case or, in the **worst case, to extracting a false confession.**” Martinsville Police had a faulty investigation. Charged Brian David Hill quickly without understanding that Brian Hill had Autism and without believing Brian had Autism. The entire indecent exposure case was a “faulty investigation” and was conducted with unreliable responses.

27. The Hon. Judge Greer must understand that Defendant’s AUTISM is far worse than even a regular high functioning Autistic individual who can “hold a job” and “drive a car” or use “public transportation”. That is why Stella Forinash, Kenneth Forinash, and Roberta Hill know so much about Brian and has been with him at pretty much every Court hearing or Court appearance. The reason why is because Brian Hill cannot take care of himself because of his time consuming Obsessive Compulsive Disorder hand washing and body washing routines every time he uses the bathroom, his obsessive GermX or hand sanitizer usage to keep himself clean at all times, his Type 1 Brittle Diabetes, and his Autism. Brian was lucky not to have been dead that night, your honor. The Officer said nothing else as to what was found in his backpack with exception to the clothes, flashlights, and camera. What about a cell phone to call home? What about a map? What about extra camera batteries? What about any medical supplies? What about snacks or drinks? What about insulin or glucose tablets? To go miles away from

home without extra batteries for the camera? No insulin? No glucose tablets or snacks? No water bottles or drinks? No cell phone? No ability to call for help? No money to walk into a store to buy something? No medicines at all? WHERE IS THE INTENT HERE? WHERE IS IT?

28. Glen Andrew Hall, Esquire was either completely ignorant, stupid, or he knew that his prosecution was shoddy and faulty from the very beginning. He should have wondered why Brian with Autism did what he did??? Brian didn't repeat those behaviors. Somebody who actually enjoys those types of behaviors would have done so repeatedly as if addicted to it and needs it to be some form of excitement or whatever it is. That did not happen with Brian. Glen Andrew Hall is only a prosecutor, a lawyer, he is not a medical expert, and he knows nothing of Autism Spectrum Disorder. Defendant requests that Glen Andrew Hall prove he understands and knows about Autism. Glen Andrew Hall should file an affidavit in this Court as to his expertise and training in understanding behaviors of "Autism". If Glen Andrew Hall cannot even do that, this Court should grant Brian's MOTION for judgment of acquittal.

29. There is a reason why the higher Courts in the Commonwealth of Virginia regard nudity and nothing more as not violating Virginia Code § 18.2-387. As to why nudity must appeal to the prurient interest in sex as to violate Virginia Code § 18.2-387. If we must arrest and convict somebody for simply just "being naked" and alone somewhere, maybe at the wrong place at the wrong time without even a warning from

the police, we can then arrest people at gyms, bathhouses, hot springs in Japan like in onsens. With the existence of gay and lesbian people, even men might feel offended or aroused to see another naked man. So are we going to call the police at a gym shower or sauna and arrest other men because a gay man might be offended or aroused at seeing another man naked? What about Nudists? Should cops go busting Nudist Resorts and Nudist Clubs and Beaches because one clothed person might try to sneak in there and start feeling offended or sexual about it and demand the club or resort be arrested for indecent exposure? What about the Virginia Museum of Fine Arts, a Government operated or Government funded Museum?

30. Hey, Glen Andrew Hall and Judge Greer, let's look at the Commonwealth's Museum of Fine Arts (a state Museum) in Richmond, Virginia with naked statues, naked people in paintings, and naked people in artwork. Defendant's family has the time marks of the specific artworks in certain sections of the video footage. See https://www.youtube.com/watch?v=mQpWQD_m7_A. They did the research and recorded the time stamp markings for these examples. See how in 2 minutes and 59 seconds of the video, a nude statue. 3 minutes and 6 seconds into the video and more nudity. 3 minutes and 17 and 18 seconds into the video. 7 minutes straight into the video show two women naked with their breasts exposed. I bet there was more nudity artwork and statues not shown in the video. How would I know, I cannot use the internet, however I had visited that Museum years ago personally and saw the artwork there, but

my family can research online and they are determined to show the contradictions of the Commonwealth if they want to continue dragging this needless case out. The Commonwealth should arrest the Commonwealth Museum employees and arrest anybody working for the Commonwealth of Virginia who puts out nude artwork for violating § 18.2-387, arrest them all, doesn't matter if the Government permitted nude artworks and nude statues. I might be offended or aroused at those. They are illegal right??? The Commonwealth continues pushing the letter on this case and refuses to accept anything other than guilt, guilt, guilt. Got to be fair right, equal protections under the law, right? I should start pushing for criminal charges against all of the Art Museums who have nude statues. I should file charges against all of the Nudist Resorts as dens of indecent exposurers. I must start pushing people to file criminal complaints against all of them including gym showers and bathhouses, even saunas. I must push for all of them to be arrested. That sounds crazy and ridiculous. Again, See *Price v. Commonwealth*, 201 S.E.2d 798, 800 (Va. 1974) (finding that "[a] **portrayal of nudity is not, as a matter of law, a sufficient basis for finding that [it] is obscene**")." *Romick v. Commonwealth*, No. 1580-12-4, 2013 WL 6094240, at *2 (Va. Ct. App. Nov. 19, 2013)(unpublished)(internal citations reformatted). Nudity is not obscene.

31. Then back to court appointed Attorney Matthew Clark telling Brian that if he appears before a jury, they would be Christian Bible Belt jurors who would all feel disgusted of Brian being simply "naked". As said in the recorded phone conversation

between Brian Hill and Attorney Matthew Clark. Brian has an argument against the Bible Belt jurors who will be prejudicial. The bible talks about people being naked. See King James Version 2 Samuel 6:20-22: “Then David returned to bless his household. And Michal the daughter of Saul came out to meet David, and said, How glorious was the king of Israel to day, **who uncovered himself to day in the eyes of the handmaids of his servants**, as one of the vain fellows shamelessly uncovereth himself! 21 And David said unto Michal, It was before the Lord, which chose me before thy father, and before all his house, to appoint me ruler over the people of the Lord, over Israel: therefore will I play before the Lord.” King David of the bible should have been arrested for indecent exposure. That bible verse shown that King David, probably drunk wine during the celebration of acquiring the Ark of the Covenant, danced naked in the celebration. In John 21:7 said: “7 Therefore that disciple whom Jesus loved saith unto Peter, It is the Lord. Now when Simon Peter heard that it was the Lord, he girt his fisher's coat unto him, (for he was naked,) and did cast himself into the sea.” The apostle Peter of the bible should also have been arrested for indecent exposure. Adam and Eve were both naked until they sinned and became aware of it, then was the feeling of shame. I know my bible, I read my bible. Of course there will likely be other bible verses to rebut the verses with the keyword “naked”.

32. Look, it is clear that the Defendant did not think straight, that he was not medically and psychologically cleared on September 21, 2018. His Autism was treated

as though it were invisible. The carbon monoxide gas exposure was treated like it was invisible. The “psychosis” diagnosis by Dr. Conrad Daum was treated like it was invisible. Brian who had no history prior to September 21st, due to no prior charges of indecent exposure and had no history of psychosis was given the diagnosis of psychosis in October, 2018. This was not known to the mental evaluator over sanity and competency in the General District court. This was not known to the one who evaluated Brian at the Hospital on September 21, 2018.

33. Prior to Virginia Code § 19.2-271.6., being updated to allow Autism Spectrum Disorder to be used as admissible evidence to show that a person does not have intent necessary to commit a crime, The Court of Appeals had ruled in Defendant’s appeal that: the sufficiency of the evidence, see *Smith v. Commonwealth*, 72 Va. App. 523, 523 (2020) (noting that “[w]hether the required intent exists is generally a question of fact for the trier of fact”) (emphasis added) (quoting *Brown v. Commonwealth*, 68 Va. App. 746, 787 (2018) (alteration in original)). However those cases were overwritten or must be modified or revised by the passage of new Virginia Code § 19.2-271.6 in the year of 2021. The new law overrides the old case law. Now the issue of “intent” must differ from those older case laws. Those older case laws must now be modified, revised, or treated negatively on appeal over the issues of “Autism” in regard to the intent element of a charge. During those case laws, Virginia did not have a statute which said codified into law that: “...**evidence offered by the defendant concerning the**

defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant,... shall be admitted **if such evidence (i) tends to show the defendant did not have the intent required** for the offense charged...For purposes of this section, to establish the underlying mental condition the defendant must show that **his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder**” (citation partially omitted in parts and reformatted).

34. The DMV placard and the form under a certified Medical Doctor said that Brian is “permanently limited or impaired. A permanent disability...” and it says Autism Spectrum Disorder is in there. Defendant is Autistic and is handicapped.

35. Defendant is INNOCENT. He clearly is innocent as a matter of law, pursuant to § 19.2-271.6.

DEFENDANT SUBMITS THE FOLLOWING LAST MINUTE EVIDENCE:

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
EXHIBIT 1	1-11 (33-43)	Witness “Letter of Support from Brian Hill’s Grandparents asking for an Investigation Into Brian’s sex setup in

		Martinsville, VA in 2018...”
EXHIBIT 2	12-17 (44-49)	Photocopy of Letter to Martinsville Police Chief G. E. Cassady dated March 13, 2019; and copies of return receipt (front and back) and USPS receipt and Certified Mail receipt.
EXHIBIT 3	18-30 (50-62)	Witness Letter from Stella Forinash of “photos of Brian with his black camera bag, black camera & baseball hat through the years on 1/26/2022.”

62 pages total

CONCLUSION

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice. Brian David Hill = Innocence.

Officer Robert Jones did not know, understood, or even recognized Brian Hill’s “AUTISM”. Questioned Brian and had false assumptions that Brian was a liar or made statements that “didn't really add up” but again questioned Brian without understanding that Brian had “Autism” as documented by medical records from Carilion Clinic, TEACCH under the University of North Carolina, Virginia DMV, and even his public school records if necessary can prove Brian had difficulty with learning in school because

of his AUTISM, diabetes, and behavioral “meltdowns”. Meltdowns often are misidentified as temper tantrums but they are both separate things.

Glen Andrew Hall and the Judge of the General District Court did not know, understood, or even recognized Brian Hill’s “AUTISM”. In 2018, Autism at the time of his Trial was inadmissible as evidence for his defense prior to the passage of Virginia Code § 19.2-271.6, in 2021. The prosecutor or the Judge in the Trial on December 21, 2018, questioned Brian without understanding his Autism because his Autism was inadmissible, it was considered invisible and could only be used for a Motion to plead not guilty by reason of mental insanity at the time, thus the judge had false assumptions so he didn’t believe Brian’s statements and found him guilty.

It is clear that this Court should listen to all of the autism advocates of Brian David Hill including Stella Forinash, Roberta Hill, and Kenneth Forinash. It is clear that this Court needs a written affidavit and subpoena of Dennis Debbaudt. It is clear that the new law was created to stop further criminalization of Autism Spectrum Disorder. That law was created to end the imprisonment of Autism Spectrum Disorder. It had been treated as a criminal behavior for far too long, over petty crimes, ordinance issues, and misdemeanors which have consequences far beyond just the charge and conviction. The Virginia Law was created to curb the Circuit Court’s and General District Court’s miscarriages of justice by convicting Autism Spectrum Disorder. It is not a crime people are being convicted of, people are being convicted of behaviors caused by Autism

Spectrum Disorder or behaviors caused by other cumulative things which can cause or worsen an Autistic behavior. It is clear that a psychologist or psychiatrist needs to testify before the Circuit Court in regard to Autism Spectrum Disorder patients and being “naked” to see an expert testify as to how many “autistic” patients had been found naked at the wrong time but have no intent to violate Virginia Code § 18.2-387. Maybe an autistic individual is a nudist but gets naked in the wrong place at the wrong time and gets in trouble. There are better ways to deter such inappropriate behavior such as an officer giving a warning or educate an autistic person not to be nude at the public place. There are better ways than criminal convictions and imprisonment. That is why Virginia Code § 19.2-271.6, became law in 2021. To find better ways to deter such abnormal or inappropriate behavior without the need to convict as a criminal and destroy lives.

Brian David Hill is innocent, he did not appeal to the prurient interest in sex.

Defendant did not masturbate. Defendant never plead guilty, Defendant never admitted to having such intent. Defendant had proven that he permanently had and has Autism Spectrum Disorder since he was 4 years old. Defendant had no intent. Defendant is not guilty of Virginia Code § 18.2-387, and cannot be convicted of what had happened on September 21, 2018. A one-time incident which had not happened since. This is not a repeated behavior. It is crazy for the Commonwealth to fight tooth and nail like it is World War II or something. It was inappropriate what had happened on September 21,

Let this last minute evidence by Stella Forinash further show that police body-camera footage was intentionally covered up by Martinsville Police Department to hide the fact that Brian David Hill was scratched up and injured while making statements to Officer Robert Jones while naked. The police knew that footage would be favorable to the Defendant and destroyed the footage. The footage would disprove Robert Jones's claims of being medically and psychologically cleared. He did not ever look at the medical records and didn't believe Brian even had Autism but yet made false statements under oath that he personally and factually knew or believed that Brian David Hill was medically and psychologically cleared. That is not a fact. That is a fraud.

Brian D. Hill
Signed Brian D. Hill

Brian D. Hill
Defendant

Former news reporter of U.S.W.G.O. Alternative News
Ally of Q

U.S.W.G.O.

CERTIFICATE OF SERVICE, CERTIFICATE OF FILING

I hereby certify that a true and accurate copy of the foregoing LAST MINUTE EVIDENCE was faxed or emailed/transmitted by my Assistant Roberta Hill at rbhill67@comcast.net (due to Probation Conditions of not being allowed to use the Internet) or delivered this 31st day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville

by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address rbhill67@comcast.net, transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: ahall@ci.martinsville.va.us	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: apritchett@vacourts.gov
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the

conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at rbhill67@comcast.net and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.


Signed

Brian D. Hill

Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



EXHIBIT 1

for

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

Letter of Support from Brian Hill's Grandparents asking for an Investigation Into Brian's sex setup in Martinsville, VA in 2018, investigating his sex setup in Mayodan, NC in 2012 as well as his set up in 2015 due to his Autism (small autistic meltdown not hurting anyone) while he was fighting to appeal his 2012 - 2014 case causing a Probation Violation Problem. Brian's Family is asking for an acquittal in both states & for him to be released from the sex registry as he is innocent and has been a victim for 10 years due to his AUTISM & to his USWGO website. The Proof of his innocence is in the Court Records in the Federal Middle District of NC. Both courts have the power to order this investigation after reading all of our proof that has been sent to both courts in January, 2022. We are Brian's volunteer autism advocates. I am submitting more proof in this letter & 2 documents included: one with photos of Brian (worth a thousand words – 12 pages) and another one (3 pages) where we asked the Martinsville police chief for the body cam at the time of Brian's arrest to be given to his lawyer after Brian had written 2 letters to him to give the body cam to his lawyer then contacted us about it. We are all citizens of Martinsville, and this police chief ignored all of us. Brian = Innocent.

This letter is about what Brian wrote to his grandmother on 1-5-2019: Read this letter Brian wrote. After I write this, I will make sure that Brian approves. If he does, he has my permission to send anything he wants to the VA state & Federal NC court or anywhere. They (the NC federal court) have put this case together with his 2012 child porn set up which I think is great because this 2018 case was a set up as while. Maybe now someone will investigate 2 police departments and 2 police chiefs (one in Mayodan, NC in 2012 and the other one in Martinsville, VA) and extend to the courts.

For a long time, we knew that nothing could be done, and it's hard to go back, but due to this new law (We really thank God & His heavenly & earthly team for this new law about autism). To start with, we knew that Brian's autism had gotten worse and knew that someone with autism could leave the house alone at night. We thought he had his camera when he met this guy that night and just knew Brian would be upset about the police taking his camera, but he wasn't upset about that, then a year later when we were at the NC court, we saw a pink camera not a black camera, but months before that we went to this Western Virginia Regional jail in Salem, VA to pick up Brian's backpack. We re-read the federal transcript where the policeman told him that Brian said the guy in the hoody gave him the camera. We don't believe Brian took those photos. Due to his autism, if the people who probably drugged him told him he took the photos, he is probably repeating what they told him, all of this is part of his autism. His mom had never seen that backpack, but his clothes, shoes and 2 flash lights were in it. We were shocked to see no emergency supplies for his brittle insulin dependent diabetes as well as no hand sanitizer for his OCD. We didn't even think about where this backpack came from; Instead we were worried about why Brian didn't have his emergency supplies and realized away from his mom, he could have died; all of that walking could have caused a severe seizure and death. Apparently he had forgotten to take his insulin shot. We don't know, but he was apparently out of it

that night. We were thankful the police found him. We couldn't understand why someone with autism was arrested as this was a medical emergency situation; then came the federal arrest warrant.

We half believed the story about the guy in the hoody and half believed that he was hallucinating. After finding out about the carbon monoxide, it looked like it wasn't real, and he was hallucinating. We just found out that courts now have to take autism into account, and so we started reading the transcript from the federal court, and it all is making more sense that Brian really did see that guy in the hoody that night. He still talks about it and that he felt like he was drugged. He still has and had that night brittle insulin dependent diabetes, seizure history, autism first diagnosed in 1992 or 1993 as PDD, then autism in 1994, OCD, etc. Then 4 months after this happened, we found out he and his mom had been exposed to carbon monoxide for 11 months. We were all emotionally upset and confused.

Now after reading the transcript again, we realize just like the federal case of child porn, he was set up, and the people who did that in NC in 2012 admitted to him and his friends of doing it and have threatened Brian of doing other things to make sure he stays on the sex registry, threatening harming or killing him, threatening to set up attorneys who represented him, his friends and his family. We shared that information with you earlier and where to find these on the Federal court records in 2015. They no longer can send these to Brian's email or phone text, but his mom was getting weird greeting cards from Dec. 2017 until May, 2018 & a threatening letter in May, 2018 through the mail. Brian has made sure copies of these threats are in the federal court record and are dated, and we have shared this with locations to the court and other interested parties. We follow our Bible which says "Fear Him who is able to destroy both the soul and body. Fear not them which kill the body but are not able to kill the soul".

We know this needs to be investigated, and Brian needs to be acquitted and removed from the sex registry as he was a victim and did nothing wrong. We just wrote another document with photos of him with his camera bag that he takes with him when he & his mom go on hikes and when he goes with us on various trips and outings. In all (and thousands more we have) he is carrying a black or grey camera bag, a black camera and either has no cap or is wearing a baseball cap – no stocking cap. I own a pink camera (in a different home) and his mom used to own a pink camera, so his having a pink camera while out at night at a time that we were aware his autism had gotten worse, and we found out later that he was exposed to carbon monoxide didn't make us suspicious of a set up. Now thinking about everything and never seeing Brian holding a pink camera realizing that was not his back pack; he does not wear stocking caps, he did not have his camera bag that night. What really got to us was the set up with the pink camera – his name inside as the author. I just downloaded one of these forms "**U.S. PROBATION OFFICE MONTHLY SUPERVISION REPORT FOR THE MONTH OF**" which means anyone can download this and set you up, but it would be someone who knew that Brian was on probation and wrote all of those threatening emails & text. You can download one too at this website:

https://www.vaep.uscourts.gov/sites/vaep/files/Monthly_Supervision_Report.pdf

We submit the photos of Brian to the court because this is our proof that Brian's camera was black – not pink – Brian always carried a large camera bag with him when hiking or visiting various places. He wore a regular baseball cap, not a stocking cap. These photos of him were taken 10 days before his arrest (some were taken before 2018 and others after September, 2018). We can see where Brian in confusion could pick up a different camera than he uses, but we can't see him having nude photos, probation monthly report in it with his signature out walking by himself for miles in the middle of the night, no emergency supplies, and the police gets a phone call, arresting him right away and no

investigation, etc. That part is a setup as well as that not being his backpack, and Brian wore baseball caps not stocking caps. Top this off with a phone call to the police, no investigation & no body cam for the court. They arrest Brian right away and lie on the police report saying he was medically and mentally clear. With that, I want to share this letter with you. I had forgotten Brian told us more than once they knew his mom's name. I thought if he met a guy in a hoody, there is no way they would know who he was. I was wrong because the camera that he never uses shows his name so there's no way he accidentally picked up another camera that night. I will share that letter he sent to me with his approval, then take you to the NC Federal court records so you can see for yourself what he had to say.

1/5/2019

BRIAN HILL (0021123) [View All](#)
 Western Virginia Regional Jail
 Saturday, January 5, 2019 10:11 PM

I discovered that the new Petition for Warrant or Summons for Offender Under Supervision (PROB Form 12C) was filed under sealed, some Memo to the Clerk as well on 11/13/2018. That was in response to my Motion under Document #154, and Document #155 came on on 10/29/2018.

Response to my Motion to continue Supervised Release was due by 11/16/2018. The petition for my arrest that was sealed was filed on 11/13/2018 likely in response to my motion referring to what the guy in the hoodie did to me.

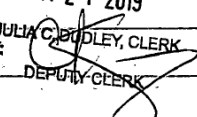
Grandma this may be Obstruction of Justice, and other crimes.

They were made aware of the guy in the hoodie threatening to have me get naked, I said it under Oath, their response was the Warrant for my arrest Documents 156, 157, and 158.

Grandma this is retaliation by the U.S. Probation Office in Greensboro and Assistant U.S. Attorney THUG Anand Prakash Ramaswamy. We need to tell the FBI about this. This is evidence of retaliation and selfish misconduct to cover up what really happened.

******* On this letter he sent to me on 1/5/2019 & to the court, he said that the guy told him that his mother, Roberta Hill would be killed if Brian didn't do that. Brian kept telling us "But the man in the hoody knew mom's name". He was near the Piedmont Community Services. Was Brian aware that he needed help or was he drugged and carried to that location? Was Brian in any shape to actually take photos of himself that night or did someone else take these photos? Who was this guy in a hoody who knew Brian's mom's name and handed him a pink camera with his name in it and a copy of this probation form that anyone can obtain from the Internet? Is it possible that the guy & others went in Brian's house and carried him down town? Brian said he kept his door unlocked because he was afraid and didn't feel safe in his home. Was this because he had been exposed to carbon monoxide for months? None of us knew about the carbon monoxide until 4 months after his arrest. Was there one person or more involved? ***** Look for red when I put Brian's descriptions after you read his letter. They will kill your mother Roberta Hill. Sounded like a white guy. I am a victim of a crime".**

In The United States District Court
For The Western District of Virginia

United States of America, Plaintiff,	Criminal Action No.
V.	7:18-MJ-00149
Brian David Hill, Defendant,	CLERKS OFFICE U.S. DIST. COURT- AT ROANOKE, VA FILED JAN 24 2019 JULIA C. BUDLEY, CLERK BY:  DEPUTY CLERK

Declaration

I am Brian David Hill and I am currently at the Federal Correctional Institution ¹ in FCC Butner, North Carolina. I am aware that I am currently being evaluated for competency to assist my Counsel in my defense to the Supervised Release Violation charge referenced in charging Documents in Document #1.

¹
Case 7:18-mj-00149-RSB Document 12 Filed 01/24/19 Page 1 of 5 Pageid#: 43

On late night September 20, 2018 between 11:00PM to midnight, I was walking around the warehouse that is right at the entrance of downtown Martinsville, near the building of Piedmont Community Services located at 24 Clay Street in Martinsville, Virginia. When The Dick and Willie hiking trail and a road beside that trail is beside that big warehouse. A man wearing a dark colored hoodie waved his hand to get me to go over to the trees that is beside the hiking trail, I think

They were pine trees. He told me as soon as I got close to him that "You will get naked in public, walk on the Dick and Willie trail, find a spot to take pictures of yourself then place the camera or SD card at the bench after Southern Finishing Factory, if you do not do this they will Kill your mother Roberta Hill. Do you understand?". I responded with "yes, I will do it, please don't Kill my mother." He said "go and do it or else". He was between 5'ft and 6'ft, slim, wore a hard mask, sounded like a white guy, maybe 160lbs.

I had filed Status Reports, Declarations, and other pleadings after what had happened and told the U.S. District Court in Greensboro, North Carolina about what happened. In case no. 1:13-CR-435-1, Middle District of North Carolina, the Court should review Documents #152, #153, #154, #155, #161, #162, #163, #164 and #165. I had also written letters to my supervising United States Probation Officer ("USPO") Jason McMurray about what happened and how I emotionally had felt about it while I was incarcerated in Martinsville Jail.

Case 7:18-mj-00149-RSB Document 12 Filed 01/24/19 Page 2 of 5 PageID# 44

I had also written to the Virginia Attorney General about what had happened in multiple letters, the last one dated January 17, 2019 with Certified mail tracking no. 7018-1130-0000-8936-6214. I have been honest with them, the Court, and my Probation Officer about what had happened on September 20-21, 2018. I have been respectful with USPO McMurray and I have been compliant with him. I am a victim of a crime on Sept. 20-21, 2018. The Supervised Release Violation came from my technical charge of indecent exposure in the Martinsville, Virginia Court system on September 21, 2018, at 55 West Church Street, and with the case no. C18-3138. I am confident that I can be found innocent by bench trial (trial de novo) in the Martinsville Circuit

“I am a victim of a crime on Sept. 20-21, 2018”.

REVIEWING what Brian wrote to the court on 10-17-2018 (DOCUMENT #153 sent to Middle District of NC case #1:13-cr-00435-TDS). He felt like someone was watching him while he was mowing the yard on 9/18/2018 between the hours of 1-4 PM. He was talking on a talk show on 9/19/2018 about his federal case and the Americans with disabilities act. On 9/20/2018 some of his memories had been blocked out. He was under stress & anxiety. He was keeping his apartment doors unlocked, was psychologically afraid to sleep on his bed, sometimes sleeping on the couch and had a bad feeling that something bad was going to happen to him. Page 3 of 11: He had gone to a resort in Western Virginia in his own district a few days before and did not want to come back to his house. We present to the court photos of him on 9-12-2018 taken 9 days before the arrest date of 9-21-2018. He explained “As if something was terrifying in my psychological mind, and I haven’t kept my door or doors locked”. While at his house, he kept his doors unlocked according to document 153. He left his house at abt 11 to go walking beside the road on the sidewalk. He walked to the Dick & Willie Trail (miles from his home) and about 11 to 12 midnight he met a guy in a hoodie near a warehouse who told Brian to remove his clothes and take photos of himself and leave the SD card on the nearby bench. He said the guy was probably white, 5 to 6 ft tall. This guy told Brian if he didn’t do this, he would kill Brian’s mother and named his mother. Brian thought he might have been drugged.

(NOTE from Brian’s family: Brian always took his camera when he left the house to go walking, took many nature photos and liked to take photos of old factories. He had never taken any photos of himself and did not want anyone in his photos. This is the first time he had ever left the house by himself and first time he has walked around at night for miles away from his home. NOTE: Later we found out that was not his camera, not his stocking cap and not his back pack. His clothes were in the backpack. Brian has autism. Brian is a brittle diabetic who takes several insulin shots per day, and he has seizures when his glucose goes too low. Walking a lot causes his glucose to go very low. He needs someone with him at all times when he is walking. Brian’s family found out that he was exposed to carbon monoxide for about a year in his apartment 4 months after his arrest on September 21, 2018. His description leading up to the guy in the hoodie is the description of someone exposed to carbon monoxide. Then again he could have been set up & drugged. He did not have his camera bag that night. He always takes his camera bag with him and his black camera as well as his emergency supplies. According to the hospital records, his pulse stayed over 100. The hospital records did not show his glucose which meant they did not check to see what this insulin dependent diabetes’ glucose was. We had a cousin on insulin who went to visit a neighbor with her husband. When they came home she took her coat off and was in her living room in the nude with her sons right there. She was explaining to us about the glucose lows after we found out about Brian in 1992.

On this website: <https://www.centralhtg.com/blog/carbon-monoxide>

SYMPTOMS & SIGNS of CARBON MONOXIDE poisoning: Aggravation of preexisting diseases: During the year that Brian was exposed to Carbon monoxide in his apartment, he had a bad fall one night requiring stitches, and he had 2 seizures another night. His OCD routines (showers & hand washing) were now lasting twice the amount of time than they were before the exposure to carbon monoxide (instead of 2-4 hours per day, it was now requiring 6-8 hours). He & his mom were

complaining to grandparents that they were both extremely tired and having a lot of headaches. Brian kept complaining that he was forgetting things and couldn't think straight. The night he left the house on Sept. 20, 2018 is an autism symptom that he had never displayed before as an adult: Wandering away from home. See the 2 page paper next about children and adults wandering from home:

<http://www.in.gov/legislative/interim/committee/2012/committee/minutes/AUTIF88.pdf>

This document "Indiana Comprehensive State Plan for Individuals with Autism" by the Indiana state government of representatives and medical staff and was written in August, 2012 will explain more. On page 6-7 of the PDF link above (1-2 on the pages we printed) entitled: *Plan Your Response for an Autism Emergency by Dennis Debbaudt* 2012 Autism symptoms are similar to Alzheimer's disease and dementia. Make sure the court sees Brian's Virginia permanent disabled parking placard with his name and address number P01307266 that was issued on 8/3/2016 and is clearly marked "Has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to an autism spectrum disorder;

<https://www.courtlistener.com/docket/4304407/152/united-states-v-hill/>

United States v. HILL Status Report — Document #152 District Court, M.D. North Carolina Docket Number: 1:13-cr-00435 Date Filed: October 3rd, 2018

"Does Martinsville Police understand that lying to a Federal Officer is a federal crime?" – referring to what Sgt. Jones said to Brian's probation officer. I guess there are dirty cops in Martinsville too". I again promise my mother that that incident will never happen again."I was threatened" "I don't trust MPD police liars. I want FBI involved, please". Please read these. Thank you.

Motion to Appoint Attorney — Document #153 District Court, M.D. North Carolina Docket Number: 1:13-cr-00435 Date Filed: October 17th, 2018

<https://www.courtlistener.com/docket/4304407/153/united-states-v-hill/>

This one is on Page 3-4 in this letter document. **He thought someone was in his back yard watching him as he was mowing: 9-18-2018. "I called into a political talk show after I was invited on Blog Talk Radio on 9-19-2018". "Talked about the Americans with Disabilities Act. One woman said if I had an IEP when I was in school, then they can or might get in trouble the way it was handled regarding my criminal case". Brian was under that IEP the entire time he was in school due to diabetes, seizures & autism, and had a one on one assistant the entire time he was in school and was sent to Amos Cottage (a part of the Winston Salem, NC hospital) for an entire month when he started Kindergarten in 1995. "On Sept. 20, 2018 some of my memories have been blocked out. My mom had also noticed that my doors were not beng kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling that something bad would happen to me. Went to resort in my district, and my family noticed that I didn't want to go back home. And I haven't kept my door or doors locked.** This is why I wonder did he actually walk by himself downtown OR did someone come to his apartment, drug him & removed him from his apartment? I asked his mom if his doors were unlocked. She said a few times she would check them & they were unlocked. It all has been sounding to me like autism that we all know had gotten worse,

especially after finding out about the carbon monoxide. Sometimes Brian communicates very well, and other times you have to listen, be patient to figure out what he is saying, but I wonder if he even really knows what happened. Was he really drugged? He did say that he only remembers certain parts about that night, and I'm now thinking there was more than one person involved and the same people who had been involved since 2012. Am I wasting my time here? Will all of our proof be ignored here just like it has been since 2012? This is a long article to read so I won't type anything more from this page. He's now talking about being downtown & the guy in the hoody and the walking trail he was on all night. He did say **"At one point I felt like I might collapse so I may have been drugged. I had a feeling it had something to do with my case, the threats from tormail.org, messages that were successfully carried out. When he realized they were police, he said "I have autism" over & over. He told the police that he was attacked. "I told Jones that I need to talk to a detective". Brian explained later about the threats he & his mom had received. "I was set up with the sex crime of indecent exposure just like the 2013 tormail said would happen". "I'm sorry, Mom, I was scared and didn't know what to do". "I am tired of feeling afraid for my family and my life. It's tearing me apart". "Let me prove my innocence. I have facts of innocence. Let me prove it. People with autism can be manipulated easily, threatened, abused"**.

Motion for Miscellaneous Relief — Document #154 District Court, M.D. North Carolina

Docket Number: [1:13-cr-00435](#) Date Filed: October 24th, 2018

<https://www.courtlistener.com/docket/4304407/154/united-states-v-hill/>

You can read the other things that Brian submitted to the court about that night. I have put links here from court listener to make them easier to find, or you can find them on Pacer too. The federal court in the Middle District of NC has connected 2018 to 2015 and the set up in 2012. All of this needs to be investigated including all of the threats which Brian, his family, friends & and some court appointed attorneys from NC have received documented in federal court records (from 2012-2018) as well as his family's & autistic advocates' proof from their personal investigation in January, 2022. These threats have been sent to NC, VA and others states using email, phone text and the US Post Office, and it looks like in person attacks in Martinsville, VA in 2018. Remember these setups are being aimed at a young adult who loves God, his family and his country and has autism and many other disabilities.

Document 155:

<https://www.courtlistener.com/docket/4304407/155/united-states-v-hill/>

Document 161

<https://www.courtlistener.com/docket/4304407/161/united-states-v-hill/>

Document 162

<https://www.courtlistener.com/docket/4304407/162/united-states-v-hill/>

Document 163

<https://www.courtlistener.com/docket/4304407/163/united-states-v-hill/>

Document 164

<https://www.courtlistener.com/docket/4304407/164/united-states-v-hill/>

Document 165

<https://www.courtlistener.com/docket/4304407/165/united-states-v-hill/>

I am now going to put my name, email address, phone number and mailing address. I want to let those real criminals, guilty people who have been putting Brian and his family under mental torture since 2011 and deceiving all courts, there is a God in Heaven who is watching you and seeing all, and the day of His judgment is coming. You need to come clean, ask for forgiveness and turn yourself in to the police and courts. If you try anymore attempts to hurt Brian or his family in any way, people in authority will be contacted because now the courts do recognize autism as a defense, and it is covered under the Americans with Disabilities Act for years. Brian and his family will fight you all of the way. We don't fear you and will come back to fight in the US legal ways with the help of Almighty God.

We all live in the city of Martinsville, VA. If we can't go to the police or to the police chief for help, where do we go to in case of emergencies? Brian wrote to him more than once. We sent this 2 page letter to him in March, 2019. He ignored it and us and Brian and never contacted any of us. The next 3 pages will be a copy of the letter we sent to the Martinsville police chief in PDF form in 2019. Brian will include the US mail receipt we gave him. This is a copy I obtained from our PDF:



To the courts: During this investigation, we are willing to help with the investigation and answer any questions, but please help our disabled grandson who is innocent and really does try to obey all laws. We have put some of his photos in this court (with his approval) as well as some of his USWGO video links just to show you who Brian really is and not how the court since 2013 have portrayed him to be. He needs to be removed from probation as well as the sex registry which is supposed to be to warn all of us to be alert about those who are guilty

and not for an innocent person with autism who has never committed any sexual act to hurt anyone, remains a virgin at the age of 31, doesn't drive and has to have a medical assistant with him at all times due to his many disabilities even someone to check his blood glucose in the middle of the night.

Thank you so much for reading everything we have sent to this court in January, 2022 after we have learned more in the new Virginia law about people with autism in the court system. Please help our grandson get his life returned so he won't have to continue fighting and sending things to the courts. He has lost 10 years of his youth because of this. He has no intentions of suing anyone because he just wants his freedoms returned to him as they should never have removed them in the first place. Thank you in advance. If you want me to resubmit this with a notarized signature, just let us know.

Stella Forinash

Email: kenstella@comcast.net

Phone: 276-632-2599

Mailing address: 201 Greyson St., Martinsville, VA 24112

EXHIBIT 2

for

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

March 13, 2019

Martinsville, VA Police Department

Mr. G. Edward Cassady (Martinsville, VA police chief),

We are citizens of Martinsville, VA and before September, 2018 had nothing but good things to say about our police department. We felt that we were living in a good city (town) that we could trust our police department. Our grandson, Brian David Hill had a terrible encounter with a police department in North Carolina and was set up with child porn on his computer in 2012. He moved to Martinsville, VA in 2012 and refused to ever go back to his home where he had lived for over 7 years. He is on the sex registry due to this federal charge and is under probation. We have the proof beyond a shadow of a doubt that he is innocent and never viewed or knowingly downloaded child porn. We couldn't afford the \$300,000 it would take to defend him in court, so he was appointed an attorney who ignored all of our proof at the time and talked Brian's family into telling him to take the guilty plea so he could get out of jail and come home under probation. Not knowing what else to do, we talked Brian (who was innocent and fighting this all the way to prove his innocence) to say "guilty". By 2017 we had all of the proof of his innocence, still could not afford an attorney and no one came forth pro bono, so our entire family submitted Brian's 2255 to the federal court in NC in November, 2017. Anyone who would take the time to read this and look at all of the proof would know that he is innocent.

We are still waiting for an answer from the court 16 months later, and Brian was still on probation at the time of his encounter with the Martinsville, VA police department. Brian has brittle type 1 diabetes requiring insulin shots and blood tests several times a day and at night which causes his blood glucose to go way up and way down each day and has had this since he was one year of age in 1992. He has had seizures since he was 2 years of age, has had PDD and autism diagnosed since he was 2 years and 4 years which required legal documents each year in school. He has had severe OCD and anxiety since the age of 12. A few months ago he had 2 seizures in one night so his mom started getting only 6 hours of sleep a night to check his blood glucose sooner and hopefully avoid anymore seizures.

This encounter that happened to Brian in September was not like Brian at all. Being in the nude in public and taking photos of himself is something he has never done. He has never left the house by himself day or night to go out walking by himself. What was really strange is that this was at night, and he was alone and miles from his home and was confused. Brian has never driven a vehicle because his blood glucose goes down fast causing insulin reactions or seizures. He is very intelligent. He can go for weeks not even acting like he has autism, and then there are other days that he is not in the world and is totally autistic. We never know what each day will present. He has been on the Virginia medical waiver which requires 40 hours of paid assistance each week since 2012 and on SSI disability since February, 1992 when he was 21 months old. Really he requires 24 hours of assistance, and what happened in September is proof of that. REACH (autism in VA) and the Piedmont Community Services will be involved in his case when he is released from jail, and they are working on an emergency DD waiver (for his developmental disability – autism spectrum disorder) for him because he needs a lot more care than his family can give. We have never known Brian to hallucinate, but when he described

what happened, it sounded at first like it was an hallucination, but he still to this day says that guy in the hoodie who sounded like a white guy was there, threatening his mom and told him if he didn't get in the nude, he would kill his mom, so Brian did all of this to save his mom's life. He was alone without his family to help so didn't know what to do and without thinking at all just did everything that guy told him to do. This presents more questions: Did the police make any attempt at all to see if there was a guy in the hoodie around the Martinsville trails? They did the right thing to take Brian to the hospital. Did the hospital check to see if there was anything like carbon monoxide in his system or anything that would cause him to act in such a bizarre way? The Martinsville Hospital should have on record that he has autism, brittle diabetes, seizures, anxiety and OCD as he was a patient in the hospital in December 2013. They should also have on record where he had a bad fall a few months before this, and they put staple type of stitches in his forehead. He should have been admitted to the hospital and given a better examination. If this had been an elderly person with dementia or alzheimers, would this person have been arrested? How much training does the Martinsville, VA police department have dealing with someone younger with autism? Due to this arrest, it was considered a probation violation, and Brian is at Butner in NC right now for almost 2 months having a federal court order examination.

Please show some respect for this young, disabled citizen of Martinsville, VA and reply to the 2 (and now 3) letters that he has sent to you asking to give a copy of the body cam footage to his court appointed attorney as he is fighting these charges in court. He told the police that he has autism and told you the same thing twice in letters. We have made a copy of his disabled DMV card with the autism information of a permanent disability which can cause confusion and the episode that happened to him in September, 2018. We have retyped his letter to you so we can have a typed copy, and we're sending his hand written request in this letter. He will be leaving Butner about March 25, so please respond as soon as possible. He has been waiting almost 2 months for your response and has sent that to you twice and was very respectful.

Sincerely,

Brian David Hill's grandparents

Enclosed 10 pages plus this letter – please respond to Brian David Hill at the address he provides before March 25, 2019. We have copies of all 12 pages in this envelope and are making sure that someone in this police department signs for it and have tracking information as well, and it is addressed to you. Thank you.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

GE CASSADY CHIEF OF POLICE
55 WEST CHURCH ST
MARTINSVILLE, VA 24112



9590 9402 3915 8060 4856 85

2. Article Number (Transfer from service label)

7018 1830 0001 9309 1586

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/18/19

D. Is delivery address different from item 1?

If YES, enter delivery address below:

- ☐ Yes
☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

MARTINSVILLE, VA 24112

Certified Mail Fee \$3.50
\$2.80
Extra Services & Fees (check box, add fee if appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$1.30
Total Postage and Fees \$7.60



Sent To
GE CASSADY - CHIEF OF POLICE
Street and Apt. No., or PO Box No.
55 WEST CHURCH ST
City, State, ZIP+4®
MARTINSVILLE, VA 24112

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

USPS TRACKING#



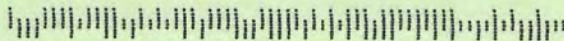
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 3915 8060 4856 85

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

KEN & STELLA KORINASH
916 CHALMERS ST, APT A
MARTINSVILLE, VA 24112



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

MARTINSVILLE, VA 24112

Certified Mail Fee \$3.50
\$
Extra Services & Fees (check box, add fee if appropriate)
☐ Return Receipt (hardcopy) \$2.80
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00
Postage \$1.30
\$
Total Postage and Fees \$7.60
\$



Sent To
G. E. CASSADY - CHIEF OF POLICE
Street and Apt. No., or PO Box No.
55 WEST CHURCH ST
City, State, ZIP+4®
MARTINSVILLE, VA 24112

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

MARTINSVILLE
1123 SPRUCE ST
MARTINSVILLE
VA

24112-9998
5156520362

03/14/2019 (800)275-8777 11:38 AM

Product Description	Sale Qty	Final Price
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First-Class Mail Large Envelope	1	\$1.30
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(Domestic)
(MARTINSVILLE, VA 24112)
(Weight:0 Lb 2.60 Oz)
(Estimated Delivery Date)
(Saturday 03/16/2019)

Certified	1	\$3.50
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(@@USPS Certified Mail #)
(70181830000193091586)

Return Receipt	1	\$2.80
----------------	---	--------

(@@USPS Return Receipt #)
(9590940239158060485685)

Total \$7.60

Cash \$7.60

Text your tracking number to 28777
(2USPS) to get the latest status.
Standard Message and Data rates may
apply. You may also visit www.usps.com
USPS Tracking or call 1-800-222-1811.

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your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

EXHIBIT 3

for

LAST MINUTE EVIDENCE IN SUPPORT OF DEFENDANT'S
“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON
NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT
THE TIME OF CONVICTION; NEW EVIDENCE OF
SPOILIATION OF EVIDENCE COMMITTED BY
COMMONWEALTH OF VIRGINIA; REQUEST FOR
SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL,
ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING
COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA
FOOTAGE AND IT IS LIKELY DESTROYED AND
BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON
DAY OF CHARGE, ALSO LIKELY DESTROYED”

Commonwealth of Virginia, City of Martinsville v. Brian David Hill
CASE NO: CR19000009-00

Sunday, January 30, 2022



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We wanted to show you various photos of Brian with his black camera bag, black camera & baseball hat through the years on 1/26/2022.



5-24-2018 Brian with his black camera bag – black camera – baseball cap.



Brian – Note black camera bag 9-12-2018 & baseball cap.

This photo was taken 9 days before the police arrested him.



Brian with his mom 9-12-2018 Note black/grey camera bag & black camera & baseball cap



Brian on 9-12-2018 Note the black/grey camera bag & black camera & baseball cap



Brian & his mom in New Market, VA 9/12/2018 Note black camera & baseball cap

Brian arrested on 9/21/2018 – pink camera – no camera bag – not his black camera - wearing stocking cap – no baseball cap – back pack his mom did not recognize – wearing no clothes – has no emergency supplies for brittle diabetic, who has severe seizures when glucose goes low and needs insulin at all times for shots when it's too high – no glucose monitor - no hand sanitizer for his OCD – out by himself all night only time without his mom/caregiver – is threatened - thinks he's been drugged – no blood test at hospital not even for an insulin dependent diabetic – no investigation by police – no body cam for court. Was this a set up & by whom? Perhaps the person or people who have threatened him for years & admitted setting him up in 2012? Court records show child porn was downloading for months while in the hands of NC police & SBI after the local Mayodan, NC police removed it from the Hill's home. No investigations have been done for either case. Criminals going free while the victim is punished. Courts ignoring all of his disabilities including autism. (His disabilities are all invisible, but all are well documented). Two police departments and all courts ignoring Americans with Disabilities Act. Correction: Federal court in Roanoke, VA did show respect & concern. There will be 2 more proofs in addition to this one. One – copy of a letter Brian's grandparents sent to Martinsville police chief in 2019 asking for the body cam to be given to his attorney which he ignored and didn't answer us & document proof from what Brian sent to court begging for an investigation & explaining about that night right after the police arrested him without doing an investigation and ignoring the **"Americans with Disabilities"** laws.

BRIAN CAME HOME ON MAY 14, 2019

Carbon monoxide is no longer in their house, Brian's ceiling & wall around his fireplace has been repaired.

Brian quickly went to work fighting to prove he is innocent in both cases.

We have thousands of photos of Brian from birth until 2022. I did notice that he has had a black or grey camera bag every time he is on an outing from at least 2004 (14 yrs old) and carried a white or grey camera. In 2008 (at the age of 18) he was carrying a black camera and a black or grey large camera bag. We took Brian to Kentucky in Dec, 2019 knowing he was innocent, knowing about all of his disabilities so he could walk by himself to turn himself into prison, We then headed for home, all 3 of us feeling depressed. We were half way home when we got a call to come and get Brian as he was being released. They said he had already served his time. Roberta called his probation officer who

thought they had made a mistake. We waited at this gas station until he called us back and told us to go and get Brian. We picked Brian up, and he quickly tested his glucose and gave himself an insulin shot, we ate then we spent the night in a motel, all of us so happy, then since we were close to the Ark, we went there to celebrate. His black camera bag and black camera were in the car.

Date taken

December	8	2019
7	10	PM

Size
99.4 KB

Dimensions
886 x 653

Shot
--

ISO
--

Device
--

Folder path
F:\All Photos\2019
[Open folder](#)

Source
This PC



File info

Filename
Charlottesville 12-20-19 (S) (3)

Date taken

December	20	2019
12	25	PM

Size
1.6 MB

Dimensions
2576 x 1932

Shot
1/10 sec. f/1.9 2.47 mm

ISO
1000

Device
SM-S327VL

Folder path
E:\Computer Back Ups 2020\HP Win 10 HP Laptop 17 - 5CG9176FGL(K)\Pictures\Pics from Stella's Camera
[Open folder](#)

Source
This PC



Christmas in 2019 was special for all of us because Brian was with us. Black camera, camera bag & baseball hat.

AND we met a nice lady who took our picture.

Dec. 20, 2019 Brian with his black camera bag, black camera & baseball hat wearing clothes and happy, As we said before, you will never see him in any of our thousands of pictures carrying a pink camera (All black like Johnny Cash), nor wearing a stocking cap. He wears a baseball cap or no cap. That was not his backpack and in all photos, he is

wearing clothes. Either his mom, grandparents or someone else is taking photos of him. We have never seen any “selfie” still photos by him.



I did want to share four more photos and some of his (USWGO's) video links before the child porn set up in 2012 when he was 22 years old just so you know more about who Brian really is, not how certain people are portraying him to be.



2009 Black camera, black camera bag, baseball cap



2021



Again, this is Brian (USWGO) in 2011 in Washington DC - black camera bag – black camera

Some of his YouTube video links, years & his age at the time beginning with the photo above

<https://www.youtube.com/watch?v=UehFu44dHL0>

(USWGO) Brian Hill interviews Occupy DC Protest activist - 353 views - Oct 25, 2011



<https://www.youtube.com/watch?v=unDdIVXwM1w>

Stop and smell the flowers - USWGO Photo Slideshow - 1,551 views - Apr 24, 2009

<https://www.youtube.com/watch?v=fqWfj84fdHQ>

528hz sound with relaxing water crystal pics-10 Min extension - 18,829 views - Sep 16, 2009

<https://www.youtube.com/watch?v=ul7gkIDrscQ>

Patty Waszak - Proud to be an American - 1,839 views - Jul 29, 2010

<https://www.youtube.com/watch?v=Z7nuC183bVs>

Cherokee Indian Powwow Dance recorded by USWGO Press - 1,767 views - Jul 31, 2010

<https://www.youtube.com/watch?v=JUX1QPqgd4>

USWGO Righthaven lawsuit makes WXII12 Triad News - 794 views - Feb 23, 2011

<https://www.youtube.com/watch?v=MglUkmsMPI8>

USWGO Righthaven lawsuit makes WGHP FOX8 Triad News - 1,456 views - Feb 23, 2011

<https://www.youtube.com/watch?v=7NI8oVGOJRI>

USWGO Jim Tucker Interview July 2nd 2011 by Brian Hill - 2,390 views - Jul 5, 2011

Pause on USWGO Videos. Here are some articles where Reporters without Borders got involved:

<https://www.westword.com/news/reporters-without-borders-letter-faults-denver-post-for-righthaven-suit-against-brian-hill-5839963>

<https://www.westword.com/news/brian-hill-autistic-blogger-reboots-site-shares-plan-to-avoid-new-righthaven-copyright-lawsuit-5900894>

Brian had some very good lawyers who tried to help him. The Federal Judge put a stop to the Righthaven's law suits, all law suits!

<https://lasvegassun.com/blogs/business-notebook/2011/mar/22/pr-problem-widens-righthaven-nc-bloggers-demand-at/>

I wrote this article in the Justice for Brian website which his friends started and have been working on to fight for justice for an innocent man with autism who was set up with child porn (virus) on his computer in 2012.

<https://justiceforbrianhill2.wordpress.com/2020/10/03/justice-for-brian-d-hill/>

<https://www.youtube.com/watch?v=-jhFHW5jYRA>

Carl DeHart about Hitler rising to power through economic crises - 617 views - Oct 7, 2011

<https://www.youtube.com/watch?v=avZI0FODB9U>

**America: From the Road of Freedom to the Streets of Fascism HQ Full Length
3,512 views - Jan 1, 2012**

<https://www.youtube.com/watch?v=bpP14GKvMxs>

**World Government isn't coming, it's already here! - USWGO Special Report Episode 1
2,935 views - Jan 30, 2012**

<https://www.youtube.com/watch?v=KzaKWJVL6Gw>

Chaos;HEAd anime talks about mind control and mind reading! - 2,905 views - Nov 27, 2011

<https://www.youtube.com/watch?v=oATdPEexF34>

USWGO Interview with Dr. Michael Coffman March 8 2012 Agenda 21, ICLEI, etc etc.
765 views - Mar 9, 2012

<https://www.youtube.com/watch?v=e-EYv1PeouU>

Agenda 21 Speech at the Mayodan Town Council meeting - 1,276 views - Mar 12, 2012

<https://www.youtube.com/watch?v=xClcoYa9AAQ>

USWGO Brian D. Hill makes a speech on the NDAA at the Mayodan Town Council April 9th
2012 - 114 views - Apr 10, 2012

<https://www.youtube.com/watch?v=sxooThGOMTw>

Nullify-NDAA Petition and Report given to NC Senator Phil Berger - 770 views - May 15, 2012

<https://www.youtube.com/watch?v=MtUtvFqm5y4>

USWGO Exclusive Interview Interview with Elton Crisman on P-Code - 265 views - May 16,
2012

<https://www.youtube.com/watch?v=HN88NKknKI8>

USWGO Interview with Virgil Goode May 26 2012 - 897 views - May 27, 2012

<https://www.youtube.com/watch?v=Gau-QgLBhEq>

Reporter forced back by Mayodan Police for asking Senator Phil Berger a question - 1,653
views - Jul 10, 2012

It wasn't long after this that Brian was set up with child porn which was a virus someone put on his computer. He had a great interview with Patrick Henry Jolly (5th great grandson of Patrick Henry) who gives the "Give me Liberty or Give me death" speech at Red Hill, VA on July 4, 2012, but Brian got upset after what the police did on July 10th then after that, there were viruses on his computer that he was fighting, then the police raid where they got all of his & his mom's photos & videos which included his USWGO articles and interviews. I'm not that good at taking videos like Brian is, but I thought this message needs to be put on the Internet. I enjoyed hearing what he told Brian.

<https://www.youtube.com/watch?v=h9zQMuTiV4g>

Brian Hill (USWGO) preparing to interview Patrick Henry Jolly on July 4, 2012 - 40 views
Feb 19, 2017

Note Brian's black camera bag on the ground in 2012.

<https://www.youtube.com/watch?v=iZe25wo32ro>

Brian Hill (USWGO) interviewing Patrick Henry Jolly on July 4, 2012 - 127 views - Feb 19, 2017

Autism Awareness Month and World Autism Awareness Day

04/01/2019

WHEREAS, autism spectrum disorder is a neurological and developmental disorder that affects communication and behavior; and

WHEREAS, autism is an urgent public health crisis that demands support from all levels of government; and

WHEREAS, symptoms of autism may present themselves in a variety of combinations, and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal and nonverbal communication; and

WHEREAS, the Centers for Disease Control and Prevention reports that one in 59 school-aged children have been identified with autism spectrum disorder; and

WHEREAS, Virginia is committed to ensuring that people living with autism have access to lifelong care and services needed to pursue their full potential and happiness; and

WHEREAS, the Commonwealth is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder;

NOW, THEREFORE, I, Ralph S. Northam, do hereby recognize April 2019 as **AUTISM AWARENESS MONTH** and April 2, 2019, as **WORLD AUTISM AWARENESS DAY** in our **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of all our citizens.

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MM7806761243

SOVAH Health - Martinsville
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Brian Hill
MRN: MM00370912
ACCT: MM7806761243

FOLLOW UP INSTRUCTIONS

Private Physician

When: Tomorrow

Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

Emergency Department

When: As needed

Reason: Fever > 102 F, Trouble breathing, Worsening of condition

Sovah Health Martinsville

320 Hospital Drive
Martinsville, VA 24112
276-666-7237

7806761243

Emergency Department
Instructions for:

Hill, Brian D**Arrival Date:****Friday, September 21, 2018**

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Hinchman, Brant, DO**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation

Care provided by: Hinchman, Brant, DO**Diagnosis:** Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Private Physician When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care Emergency Department When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

National Hopeline Network: 1-800-784-2433

Below: WHY WOULD A DOCTOR IN AN EMERGENCY ROOM OF A HOSPITAL NOT CHECK THE PATIENT'S BLOOD GLUCOSE WHEN THE HOSPITAL RECORD CLEARLY STATED HE HAD DIABETES, AUTISM & OCD? WHY WRITE ON RECORDS TO SEE HIS DOCTOR THE NEXT DAY KNOWING HE IS BEING ARRESTED INSTEAD OF KEEPING HIM IN THE HOSPITAL FOR MORE TEST? DIDN'T THEY

THINK THAT WAS ODD FOR HIM TO BE OUT ALL NIGHT WALKING AROUND A TRAIL BY HIMSELF IN THE NUDE? The police bring him to the hospital at 4 in the morning, yet the hospital record says "This evening".

EMERGENCY DEPARTMENT RECORD

Physician Documentation

Sovah Health Martinsville

Name: Brian Hill

Age: 28 yrs

Sex: Male

DOB: 05/26/1990

MRN: MM00370912

Arrival Date: 09/21/2018

Time: 04:04

Account#: MM7806761243

Bed ER 9

Private MD:

ED Physician Hinchman, Brant

HPI:

09/21

04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh

09/21

04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. bdh
Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus..

Historical:

- Allergies: Ranitidine;

- PMHx: autism; Diabetes - IDDM; OCD;

- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.

WHY DID THIS HOSPITAL ORDER THESE TEST, TAKE BLOOD FROM BRIAN, THEN DELETE THEM? WE DON'T KNOW WHAT HIS GLUCOSE WAS. FOUND OUT 4 MONTHS LATER ABOUT THE CARBON MONOXIDE. COULD SOMEONE HAD DRUGGED HIM? WHY DOES HE HAVE A PINK CAMERA WHEN HE USES A BLACK CAMERA ALWAYS AND HAS FOR OVER 10 YEARS AT THIS TIME? WHY IS HE WEARING A STOCKING CAP WHEN HE ALWAYS WEARS BASEBALL CAPS? WHY DIDN'T HE HAVE HIS CAMERA BAG WITH HIM IF HE WENT THERE TO TAKE PHOTOS OF HIMSELF? WE HAVE NEVER SEEN HIM TAKE SELFIE PHOTOS AS WE HAVE SEEN OTHER YOUNG PEOPLE DO. WHY WAS HE USING A BACKPACK THAT HIS MOM HAS NEVER SEEN AND IS SMALLER THAN THE ONES WE HAVE SEEN HIM USE WHEN GOING ON A HIKING TRAIL WITH HIS MOM? KNOWING HOW SEVERE HIS DIABETES IS, WHY WOULD HE TAKE OFF LIKE THAT AT NIGHT BY HIMSELF? WHY WAS HE IN THE NUDE? AT FIRST WE THOUGHT IT HAD SOMETHING TO DO WITH CARBON MONOXIDE & AUTISM, BUT THE PINK CAMERA, STOCKING CAP & THE BACK PACK: THEN ADD TO THAT THE CAMERA HAVING NUDE PHOTOS, A PROBATION FORM AND HIS NAME AS AN AUTHOR OF A PUBLIC FORM DOESN'T MAKE ANY SENSE. ADD TO THAT THE POLICE NOT DOING AN INVESTIGATION, THE POLICE IGNORING OUR LETTERS WHEN THEY ARE SUPPOSED TO BE THERE TO HELP THE CITIZENS OF MARTINSVILLE. THEY ARE NOT VOLUNTEERS. THEY ARE PAID BY US & THE OTHER CITIZENS, THEN NO BODY CAM AS IT'S OBVIOUS

BRIAN WAS IN BAD SHAPE THAT NIGHT. WE (BRIAN'S MOM & BOTH GRANDPARENTS) WERE THERE IN THE MARTINSVILLE COURT DECEMBER. 2018 AND WHAT WE SAW WAS THAT HIS DISABLED COURT APPOINTED ATTORNEY DID VERY LITTLE TO HELP BRIAN. BRIAN HAD NO SUPPORTS THERE FOR HIS DISABILITIES EVEN THOUGH WE MADE IT CLEAR FROM THE BEGINNING ALL OF HIS DISABILITIES. WE WATCHED AS GLEN ANDREW HALL MADE FUN OF OUR GRANDSON & HIS DISABLED ATTORNEY, THEN HE TOOK 8 x 10 PHOTOS OF OUR GRANDSON IN THE NUDE TO SHOW ALL OF THE AUDIENCE WHICH INCLUDED US. WE TURNED OUR HEADS & REFUSED TO SEE THEM. THAT WAS HORRIBLE! THEN THE JUDGE SAID THAT BRIAN WAS GUILTY! GUILTY OF WHAT? GUILTY OF HAVING AUTISM? GUILTY OF BEING EXPOSED TO CARBON MONOXIDE FOR ABOUT A YEAR? GUILTY OF BEING SET UP, AND PROBABLY DRUGGED? GUILTY BECAUSE THE POLICE DID NOT DO AN INVESTIGATION? AND GUILTY BECAUSE THE HOSPITAL WERE NEGLIGENT IN THEIR DUTIES? GUILTY BECAUSE THE POLICE IGNORED HIM & HIS FAMILY AND MADE SURE THE BODY CAM WOULD NOT BE THERE? THE MORE I CHECK INTO THIS, THE ANGRIER I BECOME (BRIAN HILL'S GRANDMOTHER, STELLA FORINASH) 1/26/2022 AT 4 IN THE MORNING.

THE FOLLOWING ITEMS WERE DELETED FROM THE CHART. WHY?

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Ramey, Nicole
Bouldin, Lauren, RN
Reynolds, Daniel R

nmr
RN lbl
RN dr

Corrections: (The following items were deleted from the chart)

09/21		
04:48 09/21 04:16	COMPREHENSIVE METABOLIC PANEL+LAB ordered.	EDMS
09/21		
04:48 09/21 04:16	COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered.	EDMS
09/21		
04:49 09/21 04:16	CPK, TOTAL+LAB ordered.	EDMS
09/21		
04:50 09/21 04:16	ALCOHOL, ETHYL+LAB ordered.	EDMS
09/21		
04:50 09/21 04:16	STAT OVERDOSE PANEL+LAB ordered.	EDMS
09/21		
04:52 09/21 04:52 09/21/2018 04:52	Discharged to Jail/Police. Impression:	bch
Abrasion, right knee; Abrasion of unspecified front wall of thorax.		
Condition is Stable. Discharge Instructions: Medication		
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:		
Further diagnostic work-up, Recheck today's complaints, Continuance		
of care. Follow up: Emergency Department; When: As needed; Reason:		
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is		
new. Symptoms have improved. bch		